

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN SENATE MAY 18, 2015

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 494

Introduced by Assembly Member Maienschein
(Coauthors: Assembly Members Achadjian, Chávez,
Cristina Garcia, and McCarty)
(Coauthor: Senator Bates)

February 23, 2015

An act to amend Section 527.6 of the Code of Civil Procedure, and to amend Sections 213.5 and 15657.03 of the Welfare and Institutions Code, relating to civil procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 494, as amended, Maienschein. Restraining orders: protection of animals.

Existing law authorizes the court to issue a restraining order or a protective order to enjoin a party from specified behavior, such as, among other things, enjoining a person from molesting, attacking, striking, threatening, sexually assaulting, battering, harassing, telephoning, destroying the personal property of, or contacting another person, upon the showing of good cause. Existing law authorizes the court to issue an ex parte order under specified circumstances related to the protection of a ward of the court.

This bill would additionally authorize the court, on a showing of good cause, to include in restraining orders or protective orders an order granting the petitioner or applicant exclusive care, possession, or control

of an animal that is held by the petitioner or a person protected by a restraining order or that resides in the same residence or household that is held by the petitioner or a person protected by a restraining order or that resides in the same residence or household and an order for the respondent or restrained person to stay away from, and refrain from taking or harming, that animal, as specified. The bill would make conforming changes to related provisions, including the provision relating to the protection of a ward of the court.

This bill would incorporate additional changes to Section 527.6 of the Code of Civil Procedure and Section 213.5 of the Welfare and Institutions Code, proposed by AB 1081, that would become operative only if AB 1081 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

This bill would incorporate additional changes to Section 15657.03 of the Welfare and Institutions Code, proposed by AB 1081 and SB 196, that would become operative only if this bill and either or both of those bills are chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 527.6 of the Code of Civil Procedure is
2 amended to read:
3 527.6. (a) (1) A person who has suffered harassment as
4 defined in subdivision (b) may seek a temporary restraining order
5 and an injunction prohibiting harassment as provided in this
6 section.
7 (2) A minor, under 12 years of age, accompanied by a duly
8 appointed and acting guardian ad litem, shall be permitted to appear
9 in court without counsel for the limited purpose of requesting or
10 opposing a request for a temporary restraining order or injunction,
11 or both, under this section as provided in Section 374.
12 (b) For the purposes of this section:
13 (1) "Course of conduct" is a pattern of conduct composed of a
14 series of acts over a period of time, however short, evidencing a
15 continuity of purpose, including following or stalking an individual,
16 making harassing telephone calls to an individual, or sending
17 harassing correspondence to an individual by any means, including,

1 but not limited to, the use of public or private mails, interoffice
2 mail, facsimile, or computer email. Constitutionally protected
3 activity is not included within the meaning of “course of conduct.”

4 (2) “Credible threat of violence” is a knowing and willful
5 statement or course of conduct that would place a reasonable person
6 in fear for his or her safety, or the safety of his or her immediate
7 family, and that serves no legitimate purpose.

8 (3) “Harassment” is unlawful violence, a credible threat of
9 violence, or a knowing and willful course of conduct directed at
10 a specific person that seriously alarms, annoys, or harasses the
11 person, and that serves no legitimate purpose. The course of
12 conduct must be such as would cause a reasonable person to suffer
13 substantial emotional distress, and must actually cause substantial
14 emotional distress to the petitioner.

15 (4) “Petitioner” means the person to be protected by the
16 temporary restraining order and injunction and, if the court grants
17 the petition, the protected person.

18 (5) “Respondent” means the person against whom the temporary
19 restraining order and injunction are sought and, if the petition is
20 granted, the restrained person.

21 (6) “Temporary restraining order” and “injunction” mean orders
22 that include any of the following restraining orders, whether issued
23 ex parte or after notice and hearing:

24 (A) An order enjoining a party from harassing, intimidating,
25 molesting, attacking, striking, stalking, threatening, sexually
26 assaulting, battering, abusing, telephoning, including, but not
27 limited to, making annoying telephone calls, as described in Section
28 653m of the Penal Code, destroying personal property, contacting,
29 either directly or indirectly, by mail or otherwise, or coming within
30 a specified distance of, or disturbing the peace of, the petitioner.
31 On a showing of good cause, in an order issued pursuant to this
32 subparagraph in connection with an animal owned, possessed,
33 leased, kept, or held by the petitioner, or residing in the residence
34 or household of the petitioner, the court may do either or both of
35 the following:

36 (i) Grant the petitioner exclusive care, possession, or control of
37 the animal.

38 (ii) Order the respondent to stay away from the animal and
39 refrain from taking, transferring, encumbering, concealing,

1 molesting, attacking, striking, threatening, harming, or otherwise
2 disposing of the animal.

3 (B) An order enjoining a party from specified behavior that the
4 court determines is necessary to effectuate orders described in
5 subparagraph (A).

6 (7) “Unlawful violence” is any assault or battery, or stalking as
7 prohibited in Section 646.9 of the Penal Code, but shall not include
8 lawful acts of self-defense or defense of others.

9 (c) In the discretion of the court, on a showing of good cause,
10 a temporary restraining order or injunction issued under this section
11 may include other named family or household members.

12 (d) Upon filing a petition for an injunction under this section,
13 the petitioner may obtain a temporary restraining order in
14 accordance with Section 527, except to the extent this section
15 provides a rule that is inconsistent. The temporary restraining order
16 may include any of the restraining orders described in paragraph
17 (6) of subdivision (b). A temporary restraining order may be issued
18 with or without notice, based on a declaration that, to the
19 satisfaction of the court, shows reasonable proof of harassment of
20 the petitioner by the respondent, and that great or irreparable harm
21 would result to the petitioner.

22 (e) A request for the issuance of a temporary restraining order
23 without notice under this section shall be granted or denied on the
24 same day that the petition is submitted to the court, unless the
25 petition is filed too late in the day to permit effective review, in
26 which case the order shall be granted or denied on the next day of
27 judicial business in sufficient time for the order to be filed that day
28 with the clerk of the court.

29 (f) A temporary restraining order issued under this section shall
30 remain in effect, at the court’s discretion, for a period not to exceed
31 21 days, or, if the court extends the time for hearing under
32 subdivision (g), not to exceed 25 days, unless otherwise modified
33 or terminated by the court.

34 (g) Within 21 days, or, if good cause appears to the court, 25
35 days from the date that a petition for a temporary order is granted
36 or denied, a hearing shall be held on the petition for the injunction.
37 If no request for temporary orders is made, the hearing shall be
38 held within 21 days, or, if good cause appears to the court, 25 days,
39 from the date that the petition is filed.

1 (h) The respondent may file a response that explains, excuses,
2 justifies, or denies the alleged harassment or may file a
3 cross-petition under this section.

4 (i) At the hearing, the judge shall receive any testimony that is
5 relevant, and may make an independent inquiry. If the judge finds
6 by clear and convincing evidence that unlawful harassment exists,
7 an injunction shall issue prohibiting the harassment.

8 (j) (1) In the discretion of the court, an order issued after notice
9 and hearing under this section may have a duration of not more
10 than five years, subject to termination or modification by further
11 order of the court either on written stipulation filed with the court
12 or on the motion of a party. The order may be renewed, upon the
13 request of a party, for a duration of not more than five additional
14 years, without a showing of any further harassment since the
15 issuance of the original order, subject to termination or
16 modification by further order of the court either on written
17 stipulation filed with the court or on the motion of a party. A
18 request for renewal may be brought at any time within the three
19 months before the expiration of the order.

20 (2) The failure to state the expiration date on the face of the
21 form creates an order with a duration of three years from the date
22 of issuance.

23 (3) If an action is filed for the purpose of terminating or
24 modifying a protective order prior to the expiration date specified
25 in the order by a party other than the protected party, the party
26 who is protected by the order shall be given notice, pursuant to
27 subdivision (b) of Section 1005, of the proceeding by personal
28 service or, if the protected party has satisfied the requirements of
29 Chapter 3.1 (commencing with Section 6205) of Division 7 of
30 Title 1 of the Government Code, by service on the Secretary of
31 State. If the party who is protected by the order cannot be notified
32 prior to the hearing for modification or termination of the protective
33 order, the court shall deny the motion to modify or terminate the
34 order without prejudice or continue the hearing until the party who
35 is protected can be properly noticed and may, upon a showing of
36 good cause, specify another method for service of process that is
37 reasonably designed to afford actual notice to the protected party.
38 The protected party may waive his or her right to notice if he or
39 she is physically present in court and does not challenge the
40 sufficiency of the notice.

1 (k) This section does not preclude either party from
2 representation by private counsel or from appearing on the party's
3 own behalf.

4 (l) In a proceeding under this section if there are allegations of
5 unlawful violence or credible threats of violence, a support person
6 may accompany a party in court and, if the party is not represented
7 by an attorney, may sit with the party at the table that is generally
8 reserved for the party and the party's attorney. The support person
9 is present to provide moral and emotional support for a person
10 who alleges he or she is a victim of violence. The support person
11 is not present as a legal adviser and may not provide legal advice.
12 The support person may assist the person who alleges he or she is
13 a victim of violence in feeling more confident that he or she will
14 not be injured or threatened by the other party during the
15 proceedings if the person who alleges he or she is a victim of
16 violence and the other party are required to be present in close
17 proximity. This subdivision does not preclude the court from
18 exercising its discretion to remove the support person from the
19 courtroom if the court believes the support person is prompting,
20 swaying, or influencing the party assisted by the support person.

21 (m) Upon the filing of a petition for an injunction under this
22 section, the respondent shall be personally served with a copy of
23 the petition, temporary restraining order, if any, and notice of
24 hearing of the petition. Service shall be made at least five days
25 before the hearing. The court may for good cause, on motion of
26 the petitioner or on its own motion, shorten the time for service
27 on the respondent.

28 (n) A notice of hearing under this section shall notify the
29 respondent that if he or she does not attend the hearing, the court
30 may make orders against him or her that could last up to three
31 years.

32 (o) (1) The court may, upon the filing of a declaration by the
33 petitioner that the respondent could not be served within the time
34 required by statute, reissue an order previously issued and dissolved
35 by the court for failure to serve the respondent. The reissued order
36 shall remain in effect until the date set for the hearing.

37 (2) The reissued order shall state on its face the date of
38 expiration of the order.

39 (p) (1) If a respondent, named in a restraining order issued after
40 a hearing, has not been served personally with the order but has

1 received actual notice of the existence and substance of the order
2 through personal appearance in court to hear the terms of the order
3 from the court, no additional proof of service is required for
4 enforcement of the order.

5 (2) If the respondent named in a temporary restraining order is
6 personally served with the order and notice of hearing with respect
7 to a restraining order or protective order based on the temporary
8 restraining order, but the respondent does not appear at the hearing,
9 either personally or by an attorney, and the terms and conditions
10 of the restraining order or protective order issued at the hearing
11 are identical to the temporary restraining order, except for the
12 duration of the order, then the restraining order or protective order
13 issued at the hearing may be served on the respondent by first-class
14 mail sent to the respondent at the most current address for the
15 respondent available to the court.

16 (3) The Judicial Council form for temporary orders issued
17 pursuant to this subdivision shall contain a statement in
18 substantially the following form:

19
20 “If you have been personally served with this temporary
21 restraining order and notice of hearing, but you do not appear at
22 the hearing either in person or by a lawyer, and a restraining order
23 that is the same as this temporary restraining order except for the
24 expiration date is issued at the hearing, a copy of the restraining
25 order will be served on you by mail at the following address: ____.

26 If that address is not correct or you wish to verify that the
27 temporary restraining order was converted to a restraining order
28 at the hearing without substantive change and to find out the
29 duration of that order, contact the clerk of the court.”
30

31 (q) (1) Information on any temporary restraining order or
32 injunction relating to civil harassment issued by a court pursuant
33 to this section shall be transmitted to the Department of Justice in
34 accordance with either paragraph (2) or (3).

35 (2) The court shall order the petitioner or the attorney for the
36 petitioner to deliver a copy of an order issued under this section,
37 or reissuance, extension, modification, or termination of the order,
38 and any subsequent proof of service, by the close of the business
39 day on which the order, reissuance, extension, modification, or
40 termination was made, to a law enforcement agency having

1 jurisdiction over the residence of the petitioner and to any
2 additional law enforcement agencies within the court's discretion
3 as are requested by the petitioner.

4 (3) Alternatively, the court or its designee shall transmit, within
5 one business day, to law enforcement personnel all information
6 required under subdivision (b) of Section 6380 of the Family Code
7 regarding any order issued under this section, or a reissuance,
8 extension, modification, or termination of the order, and any
9 subsequent proof of service, by either one of the following
10 methods:

11 (A) Transmitting a physical copy of the order or proof of service
12 to a local law enforcement agency authorized by the Department
13 of Justice to enter orders into the California Law Enforcement
14 Telecommunications System (CLETS).

15 (B) With the approval of the Department of Justice, entering
16 the order or proof of service into CLETS directly.

17 (4) Each appropriate law enforcement agency shall make
18 available information as to the existence and current status of these
19 orders to law enforcement officers responding to the scene of
20 reported harassment.

21 (5) An order issued under this section shall, on request of the
22 petitioner, be served on the respondent, whether or not the
23 respondent has been taken into custody, by any law enforcement
24 officer who is present at the scene of reported harassment involving
25 the parties to the proceeding. The petitioner shall provide the
26 officer with an endorsed copy of the order and a proof of service
27 that the officer shall complete and send to the issuing court.

28 (6) Upon receiving information at the scene of an incident of
29 harassment that a protective order has been issued under this
30 section, or that a person who has been taken into custody is the
31 subject of an order, if the protected person cannot produce a
32 certified copy of the order, a law enforcement officer shall
33 immediately attempt to verify the existence of the order.

34 (7) If the law enforcement officer determines that a protective
35 order has been issued, but not served, the officer shall immediately
36 notify the respondent of the terms of the order and shall at that
37 time also enforce the order. Verbal notice of the terms of the order
38 shall constitute service of the order and is sufficient notice for the
39 purposes of this section and for the purposes of Section 29825 of
40 the Penal Code.

1 (r) The prevailing party in any action brought under this section
2 may be awarded court costs and attorney's fees, if any.

3 (s) Any willful disobedience of any temporary restraining order
4 or injunction granted under this section is punishable pursuant to
5 Section 273.6 of the Penal Code.

6 (t) (1) A person subject to a protective order issued under this
7 section shall not own, possess, purchase, receive, or attempt to
8 purchase or receive a firearm or ammunition while the protective
9 order is in effect.

10 (2) The court shall order a person subject to a protective order
11 issued under this section to relinquish any firearms he or she owns
12 or possesses pursuant to Section 527.9.

13 (3) Every person who owns, possesses, purchases, or receives,
14 or attempts to purchase or receive, a firearm or ammunition while
15 the protective order is in effect is punishable pursuant to Section
16 29825 of the Penal Code.

17 (u) This section does not apply to any action or proceeding
18 covered by Title 1.6C (commencing with Section 1788) of Part 4
19 of Division 3 of the Civil Code or by Division 10 (commencing
20 with Section 6200) of the Family Code. This section does not
21 preclude a petitioner from using other existing civil remedies.

22 (v) (1) The Judicial Council shall develop forms, instructions,
23 and rules relating to matters governed by this section. The petition
24 and response forms shall be simple and concise, and their use by
25 parties in actions brought pursuant to this section shall be
26 mandatory.

27 (2) A temporary restraining order or injunction relating to civil
28 harassment issued by a court pursuant to this section shall be issued
29 on forms adopted by the Judicial Council of California and that
30 have been approved by the Department of Justice pursuant to
31 subdivision (i) of Section 6380 of the Family Code. However, the
32 fact that an order issued by a court pursuant to this section was not
33 issued on forms adopted by the Judicial Council and approved by
34 the Department of Justice shall not, in and of itself, make the order
35 unenforceable.

36 (w) There is no filing fee for a petition that alleges that a person
37 has inflicted or threatened violence against the petitioner, or stalked
38 the petitioner, or acted or spoken in any other manner that has
39 placed the petitioner in reasonable fear of violence, and that seeks
40 a protective or restraining order or injunction restraining stalking

1 or future violence or threats of violence, in any action brought
2 pursuant to this section. A fee shall not be paid for a subpoena
3 filed in connection with a petition alleging these acts. A fee shall
4 not be paid for filing a response to a petition alleging these acts.

5 (x) (1) Subject to paragraph (4) of subdivision (b) of Section
6 6103.2 of the Government Code, there shall not be a fee for the
7 service of process by a sheriff or marshal of a protective order,
8 restraining order, or injunction to be issued, if either of the
9 following conditions applies:

10 (A) The protective order, restraining order, or injunction issued
11 pursuant to this section is based upon stalking, as prohibited by
12 Section 646.9 of the Penal Code.

13 (B) The protective order, restraining order, or injunction issued
14 pursuant to this section is based upon unlawful violence or a
15 credible threat of violence.

16 (2) The Judicial Council shall prepare and develop forms for
17 persons who wish to avail themselves of the services described in
18 this subdivision.

19 (y) This section shall become operative on July 1, 2014.

20 *SEC. 1.5. Section 527.6 of the Code of Civil Procedure is*
21 *amended to read:*

22 527.6. (a) (1) A person who has suffered harassment as
23 defined in subdivision (b) may seek a temporary restraining order
24 and an ~~injunction~~ *order after hearing* prohibiting harassment as
25 provided in this section.

26 (2) A minor, under 12 years of age, accompanied by a duly
27 appointed and acting guardian ad litem, shall be permitted to appear
28 in court without counsel for the limited purpose of requesting or
29 opposing a request for a temporary restraining order or ~~injunction~~,
30 *order after hearing* or both, under this section as provided in
31 Section 374.

32 (b) For the purposes of this section:

33 (1) "Course of conduct" is a pattern of conduct composed of a
34 series of acts over a period of time, however short, evidencing a
35 continuity of purpose, including following or stalking an individual,
36 making harassing telephone calls to an individual, or sending
37 harassing correspondence to an individual by any means, including,
38 but not limited to, the use of public or private mails, interoffice
39 mail, facsimile, or computer email. Constitutionally protected
40 activity is not included within the meaning of "course of conduct."

1 (2) “Credible threat of violence” is a knowing and willful
2 statement or course of conduct that would place a reasonable person
3 in fear for his or her safety, or the safety of his or her immediate
4 family, and that serves no legitimate purpose.

5 (3) “Harassment” is unlawful violence, a credible threat of
6 violence, or a knowing and willful course of conduct directed at
7 a specific person that seriously alarms, annoys, or harasses the
8 person, and that serves no legitimate purpose. The course of
9 conduct must be such as would cause a reasonable person to suffer
10 substantial emotional distress, and must actually cause substantial
11 emotional distress to the petitioner.

12 (4) “Petitioner” means the person to be protected by the
13 temporary restraining order and ~~injunction~~ *order after hearing*
14 and, if the court grants the petition, the protected person.

15 (5) “Respondent” means the person against whom the temporary
16 restraining order and ~~injunction~~ *order after hearing* are sought
17 and, if the petition is granted, the restrained person.

18 (6) “Temporary restraining order” and ~~“injunction”~~ “*order after*
19 *hearing*” mean orders that include any of the following restraining
20 orders, whether issued ex parte or after notice and hearing:

21 (A) An order enjoining a party from harassing, intimidating,
22 molesting, attacking, striking, stalking, threatening, sexually
23 assaulting, battering, abusing, telephoning, including, but not
24 limited to, making annoying telephone calls, as described in Section
25 653m of the Penal Code, destroying personal property, contacting,
26 either directly or indirectly, by mail or otherwise, or coming within
27 a specified distance of, or disturbing the peace of, the petitioner.
28 *On a showing of good cause, in an order issued pursuant to this*
29 *subparagraph in connection with an animal owned, possessed,*
30 *leased, kept, or held by the petitioner, or residing in the residence*
31 *or household of the petitioner, the court may do either or both of*
32 *the following:*

33 (i) *Grant the petitioner exclusive care, possession, or control*
34 *of the animal.*

35 (ii) *Order the respondent to stay away from the animal and*
36 *refrain from taking, transferring, encumbering, concealing,*
37 *molesting, attacking, striking, threatening, harming, or otherwise*
38 *disposing of the animal.*

1 (B) An order enjoining a party from specified behavior that the
2 court determines is necessary to effectuate orders described in
3 subparagraph (A).

4 (7) “Unlawful violence” is any assault or battery, or stalking as
5 prohibited in Section 646.9 of the Penal Code, but shall not include
6 lawful acts of self-defense or defense of others.

7 (c) In the discretion of the court, on a showing of good cause,
8 a temporary restraining order or ~~injunction~~ *order after hearing*
9 issued under this section may include other named family or
10 household members.

11 (d) Upon filing a petition for ~~an injunction~~ *orders* under this
12 section, the petitioner may obtain a temporary restraining order in
13 accordance with Section 527, except to the extent this section
14 provides a rule that is inconsistent. The temporary restraining order
15 may include any of the restraining orders described in paragraph
16 (6) of subdivision (b). A temporary restraining order may be issued
17 with or without notice, based on a declaration that, to the
18 satisfaction of the court, shows reasonable proof of harassment of
19 the petitioner by the respondent, and that great or irreparable harm
20 would result to the petitioner.

21 (e) A request for the issuance of a temporary restraining order
22 without notice under this section shall be granted or denied on the
23 same day that the petition is submitted to the court, unless the
24 petition is filed too late in the day to permit effective review, in
25 which case the order shall be granted or denied on the next day of
26 judicial business in sufficient time for the order to be filed that day
27 with the clerk of the court.

28 (f) A temporary restraining order issued under this section shall
29 remain in effect, at the court’s discretion, for a period not to exceed
30 21 days, or, if the court extends the time for hearing under
31 subdivision (g), not to exceed 25 days, unless otherwise modified
32 or terminated by the court.

33 (g) Within 21 days, or, if good cause appears to the court, 25
34 days from the date that a petition for a temporary order is granted
35 or denied, a hearing shall be held on the ~~petition for the injunction.~~
36 ~~If~~ *petition. If* no request for temporary orders is made, the hearing
37 shall be held within 21 days, or, if good cause appears to the court,
38 25 days, from the date that the petition is filed.

1 (h) The respondent may file a response that explains, excuses,
2 justifies, or denies the alleged harassment or may file a
3 cross-petition under this section.

4 (i) At the hearing, the judge shall receive any testimony that is
5 relevant, and may make an independent inquiry. If the judge finds
6 by clear and convincing evidence that unlawful harassment exists,
7 an ~~injunction~~ order shall issue prohibiting the harassment.

8 (j) (1) In the discretion of the court, an order issued after notice
9 and hearing under this section may have a duration of not more
10 than five years, subject to termination or modification by further
11 order of the court either on written stipulation filed with the court
12 or on the motion of a party. The order may be renewed, upon the
13 request of a party, for a duration of not more than five additional
14 years, without a showing of any further harassment since the
15 issuance of the original order, subject to termination or
16 modification by further order of the court either on written
17 stipulation filed with the court or on the motion of a party. A
18 request for renewal may be brought at any time within the three
19 months before the expiration of the order.

20 (2) The failure to state the expiration date on the face of the
21 form creates an order with a duration of three years from the date
22 of issuance.

23 (3) If an action is filed for the purpose of terminating or
24 modifying a protective order prior to the expiration date specified
25 in the order by a party other than the protected party, the party
26 who is protected by the order shall be given notice, pursuant to
27 subdivision (b) of Section 1005, of the proceeding by personal
28 service or, if the protected party has satisfied the requirements of
29 Chapter 3.1 (commencing with Section 6205) of Division 7 of
30 Title 1 of the Government Code, by service on the Secretary of
31 State. If the party who is protected by the order cannot be notified
32 prior to the hearing for modification or termination of the protective
33 order, the court shall deny the motion to modify or terminate the
34 order without prejudice or continue the hearing until the party who
35 is protected can be properly noticed and may, upon a showing of
36 good cause, specify another method for service of process that is
37 reasonably designed to afford actual notice to the protected party.
38 The protected party may waive his or her right to notice if he or
39 she is physically present in court and does not challenge the
40 sufficiency of the notice.

1 (k) This section does not preclude either party from
2 representation by private counsel or from appearing on the party's
3 own behalf.

4 (l) In a proceeding under this ~~section~~ *section*, if there are
5 allegations of unlawful violence or credible threats of violence, a
6 support person may accompany a party in court and, if the party
7 is not represented by an attorney, may sit with the party at the table
8 that is generally reserved for the party and the party's attorney.
9 The support person is present to provide moral and emotional
10 support for a person who alleges he or she is a victim of violence.
11 The support person is not present as a legal adviser and may not
12 provide legal advice. The support person may assist the person
13 who alleges he or she is a victim of violence in feeling more
14 confident that he or she will not be injured or threatened by the
15 other party during the proceedings if the person who alleges he or
16 she is a victim of violence and the other party are required to be
17 present in close proximity. This subdivision does not preclude the
18 court from exercising its discretion to remove the support person
19 from the courtroom if the court believes the support person is
20 prompting, swaying, or influencing the party assisted by the support
21 person.

22 (m) Upon the filing of a petition ~~for an injunction~~ under this
23 section, the respondent shall be personally served with a copy of
24 the petition, temporary restraining order, if any, and notice of
25 hearing of the petition. Service shall be made at least five days
26 before the hearing. The court may for good cause, on motion of
27 the petitioner or on its own motion, shorten the time for service
28 on the respondent.

29 (n) A notice of hearing under this section shall notify the
30 respondent that if he or she does not attend the hearing, the court
31 may make orders against him or her that could last up to ~~three~~ *five*
32 years.

33 ~~(o) (1) The court may, upon the filing of a declaration by the~~
34 ~~petitioner that the respondent could not be served within the time~~
35 ~~required by statute, reissue an order previously issued and dissolved~~
36 ~~by the court for failure to serve the respondent. The reissued order~~
37 ~~shall remain in effect until the date set for the hearing.~~

38 ~~(2) The reissued order shall state on its face the date of~~
39 ~~expiration of the order.~~

1 (o) *The respondent shall be entitled, as a matter of course, to*
2 *one continuance, for a reasonable period, to respond to the*
3 *petition.*

4 (p) (1) *Either party may request a continuance of the hearing,*
5 *which the court shall grant on a showing of good cause. The*
6 *request may be made in writing before or at the hearing or orally*
7 *at the hearing. The court may also grant a continuance on its own*
8 *motion.*

9 (2) *If the court grants a continuance, any temporary restraining*
10 *order that has been granted shall remain in effect until the end of*
11 *the continued hearing, unless otherwise ordered by the court. In*
12 *granting a continuance, the court may modify or terminate a*
13 *temporary restraining order.*

14 ~~(p)~~

15 (q) (1) If a respondent, named in a restraining order issued after
16 a hearing, has not been served personally with the order but has
17 received actual notice of the existence and substance of the order
18 through personal appearance in court to hear the terms of the order
19 from the court, no additional proof of service is required for
20 enforcement of the order.

21 (2) If the respondent named in a temporary restraining order is
22 personally served with the order and notice of hearing with respect
23 to a restraining order or protective order based on the temporary
24 restraining order, but the respondent does not appear at the hearing,
25 either personally or by an attorney, and the terms and conditions
26 of the restraining order or protective order issued at the hearing
27 are identical to the temporary restraining order, except for the
28 duration of the order, then the restraining order or protective order
29 issued at the hearing may be served on the respondent by first-class
30 mail sent to the respondent at the most current address for the
31 respondent available to the court.

32 (3) The Judicial Council form for temporary orders issued
33 pursuant to this subdivision shall contain a statement in
34 substantially the following form:

35
36 “If you have been personally served with this temporary
37 restraining order and notice of hearing, but you do not appear at
38 the hearing either in person or by a lawyer, and a restraining order
39 that is the same as this temporary restraining order except for the

1 expiration date is issued at the hearing, a copy of the restraining
2 order will be served on you by mail at the following address: ____.

3 If that address is not correct or you wish to verify that the
4 temporary restraining order was converted to a restraining order
5 at the hearing without substantive change and to find out the
6 duration of that order, contact the clerk of the court.”

7
8 (q)

9 (r) (1) Information on ~~any~~ a temporary restraining order or
10 ~~injunction order after hearing~~ relating to civil harassment issued
11 by a court pursuant to this section shall be transmitted to the
12 Department of Justice in accordance with either paragraph (2) or
13 (3).

14 (2) The court shall order the petitioner or the attorney for the
15 petitioner to deliver a copy of an order issued under this section,
16 or reissuance, extension, modification, or termination of the order,
17 and any subsequent proof of service, by the close of the business
18 day on which the order, reissuance, extension, modification, or
19 termination was made, to a law enforcement agency having
20 jurisdiction over the residence of the petitioner and to any
21 additional law enforcement agencies within the court’s discretion
22 as are requested by the petitioner.

23 (3) Alternatively, the court or its designee shall transmit, within
24 one business day, to law enforcement personnel all information
25 required under subdivision (b) of Section 6380 of the Family Code
26 regarding any order issued under this section, or a reissuance,
27 extension, modification, or termination of the order, and any
28 subsequent proof of service, by either one of the following
29 methods:

30 (A) Transmitting a physical copy of the order or proof of service
31 to a local law enforcement agency authorized by the Department
32 of Justice to enter orders into the California Law Enforcement
33 Telecommunications System (CLETS).

34 (B) With the approval of the Department of Justice, entering
35 the order or proof of service into CLETS directly.

36 (4) Each appropriate law enforcement agency shall make
37 available information as to the existence and current status of these
38 orders to law enforcement officers responding to the scene of
39 reported harassment.

1 (5) An order issued under this section shall, on request of the
2 petitioner, be served on the respondent, whether or not the
3 respondent has been taken into custody, by any law enforcement
4 officer who is present at the scene of reported harassment involving
5 the parties to the proceeding. The petitioner shall provide the
6 officer with an endorsed copy of the order and a proof of service
7 that the officer shall complete and send to the issuing court.

8 (6) Upon receiving information at the scene of an incident of
9 harassment that a protective order has been issued under this
10 section, or that a person who has been taken into custody is the
11 subject of an order, if the protected person cannot produce a
12 certified copy of the order, a law enforcement officer shall
13 immediately attempt to verify the existence of the order.

14 (7) If the law enforcement officer determines that a protective
15 order has been ~~issued~~, *issued* but not served, the officer shall
16 immediately notify the respondent of the terms of the order and
17 shall at that time also enforce the order. Verbal notice of the terms
18 of the order shall constitute service of the order and is sufficient
19 notice for the purposes of this section and for the purposes of
20 Section 29825 of the Penal Code.

21 ~~(r)~~

22 (s) The prevailing party in any action brought under this section
23 may be awarded court costs and attorney's fees, if any.

24 ~~(s)~~

25 (t) Any willful disobedience of any temporary restraining order
26 or ~~injunction order after hearing~~ granted under this section is
27 punishable pursuant to Section 273.6 of the Penal Code.

28 ~~(t)~~

29 (u) (1) A person subject to a protective order issued under this
30 section shall not own, possess, purchase, receive, or attempt to
31 purchase or receive a firearm or ammunition while the protective
32 order is in effect.

33 (2) The court shall order a person subject to a protective order
34 issued under this section to relinquish any firearms he or she owns
35 or possesses pursuant to Section 527.9.

36 (3) Every person who owns, possesses, purchases, or receives,
37 or attempts to purchase or receive, a firearm or ammunition while
38 the protective order is in effect is punishable pursuant to Section
39 29825 of the Penal Code.

40 ~~(u)~~

(v) This section does not apply to any action or proceeding covered by Title 1.6C (commencing with Section 1788) of Part 4 of Division 3 of the Civil Code or by Division 10 (commencing with Section 6200) of the Family Code. This section does not preclude a petitioner from using other existing civil remedies.

~~(v)~~

(w) (1) The Judicial Council shall develop forms, instructions, and rules relating to matters governed by this section. The petition and response forms shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

(2) A temporary restraining order or ~~injunction~~ *order after hearing* relating to civil harassment issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

~~(w)~~

(x) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against the petitioner, or stalked the petitioner, or acted or spoken in any other manner that has placed the petitioner in reasonable fear of violence, and that seeks a protective or restraining order or ~~injunction~~ restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. ~~No~~ A fee shall *not* be paid for a subpoena filed in connection with a petition alleging these acts. ~~No~~ A fee shall *not* be paid for filing a response to a petition alleging these acts.

~~(x)~~

(y) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall *not* be ~~no~~ a fee for the service of process by a sheriff or marshal of a protective order, ~~restraining order, or injunction~~ or *restraining order* to be issued, if either of the following conditions applies:

(A) The protective order, ~~restraining order, or injunction~~ or *restraining order* issued pursuant to this section is based upon stalking, as prohibited by Section 646.9 of the Penal Code.

1 (B) The protective order, restraining order, or injunction or
2 *restraining order* issued pursuant to this section is based upon
3 unlawful violence or a credible threat of violence.

4 (2) The Judicial Council shall prepare and develop forms for
5 persons who wish to avail themselves of the services described in
6 this subdivision.

7 ~~(y) This section shall become operative on July 1, 2014.~~

8 SEC. 2. Section 213.5 of the Welfare and Institutions Code is
9 amended to read:

10 213.5. (a) After a petition has been filed pursuant to Section
11 311 to declare a child a dependent child of the juvenile court, and
12 until the time that the petition is dismissed or dependency is
13 terminated, upon application in the manner provided by Section
14 527 of the Code of Civil Procedure or in the manner provided by
15 Section 6300 of the Family Code, if related to domestic violence,
16 the juvenile court has exclusive jurisdiction to issue ex parte orders
17 (1) enjoining any person from molesting, attacking, striking,
18 stalking, threatening, sexually assaulting, battering, harassing,
19 telephoning, including, but not limited to, making annoying
20 telephone calls as described in Section 653m of the Penal Code,
21 destroying the personal property, contacting, either directly or
22 indirectly, by mail or otherwise, coming within a specified distance
23 of, or disturbing the peace of the child or any other child in the
24 household; and (2) excluding any person from the dwelling of the
25 person who has care, custody, and control of the child. A court
26 may also issue an ex parte order enjoining any person from
27 molesting, attacking, striking, stalking, threatening, sexually
28 assaulting, battering, harassing, telephoning, including, but not
29 limited to, making annoying telephone calls as described in Section
30 653m of the Penal Code, destroying the personal property,
31 contacting, either directly or indirectly, by mail or otherwise,
32 coming within a specified distance of, or disturbing the peace of
33 any parent, legal guardian, or current caretaker of the child,
34 regardless of whether the child resides with that parent, legal
35 guardian, or current caretaker, upon application in the manner
36 provided by Section 527 of the Code of Civil Procedure or, if
37 related to domestic violence, in the manner provided by Section
38 6300 of the Family Code. A court may also issue an ex parte order
39 enjoining any person from molesting, attacking, striking, stalking,
40 threatening, sexually assaulting, battering, harassing, telephoning,

1 including, but not limited to, making annoying telephone calls as
2 described in Section 653m of the Penal Code, destroying the
3 personal property, contacting, either directly or indirectly, by mail
4 or otherwise, coming within a specified distance of, or disturbing
5 the peace of the child's current or former social worker or court
6 appointed special advocate, upon application in the manner
7 provided by Section 527 of the Code of Civil Procedure. On a
8 showing of good cause, in an ex parte order issued pursuant to this
9 subdivision in connection with an animal owned, possessed, leased,
10 kept, or held by a person protected by the restraining order, or
11 residing in the residence or household of a person protected by the
12 restraining order, the court may do either or both of the following:

13 (1) Grant the applicant exclusive care, possession, or control of
14 the animal.

15 (2) Order the restrained person to stay away from the animal
16 and refrain from taking, transferring, encumbering, concealing,
17 molesting, attacking, striking, threatening, harming, or otherwise
18 disposing of the animal.

19 (b) After a petition has been filed pursuant to Section 601 or
20 602 to declare a child a ward of the juvenile court, and until the
21 time that the petition is dismissed or wardship is terminated, upon
22 application in the manner provided by Section 527 of the Code of
23 Civil Procedure or, if related to domestic violence, in the manner
24 provided by Section 6300 of the Family Code, the juvenile court
25 may issue ex parte orders (1) enjoining any person from molesting,
26 attacking, striking, stalking, threatening, sexually assaulting,
27 battering, harassing, telephoning, including, but not limited to,
28 making annoying telephone calls as described in Section 653m of
29 the Penal Code, destroying the personal property, contacting, either
30 directly or indirectly, by mail or otherwise, coming within a
31 specified distance of, or disturbing the peace of the child or any
32 other child in the household; (2) excluding any person from the
33 dwelling of the person who has care, custody, and control of the
34 child; or (3) enjoining the child from contacting, threatening,
35 stalking, or disturbing the peace of any person the court finds to
36 be at risk from the conduct of the child, or with whom association
37 would be detrimental to the child. A court may also issue an ex
38 parte order enjoining any person from molesting, attacking,
39 striking, stalking, threatening, sexually assaulting, battering,
40 harassing, telephoning, including, but not limited to, making

1 annoying telephone calls as described in Section 653m of the Penal
2 Code, destroying the personal property, contacting, either directly
3 or indirectly, by mail or otherwise, coming within a specified
4 distance of, or disturbing the peace of any parent, legal guardian,
5 or current caretaker of the child, regardless of whether the child
6 resides with that parent, legal guardian, or current caretaker, upon
7 application in the manner provided by Section 527 of the Code of
8 Civil Procedure or, if related to domestic violence, in the manner
9 provided by Section 6300 of the Family Code. A court may also
10 issue an ex parte order enjoining any person from molesting,
11 attacking, striking, stalking, threatening, sexually assaulting,
12 battering, harassing, telephoning, including, but not limited to,
13 making annoying telephone calls as described in Section 653m of
14 the Penal Code, destroying the personal property, contacting, either
15 directly or indirectly, by mail or otherwise, coming within a
16 specified distance of, or disturbing the peace of the child's current
17 or former probation officer or court appointed special advocate,
18 upon application in the manner provided by Section 527 of the
19 Code of Civil Procedure. On a showing of good cause, in an ex
20 parte order issued pursuant to this subdivision in connection with
21 an animal owned, possessed, leased, kept, or held by a person
22 protected by the restraining order, or residing in the residence or
23 household of a person protected by the restraining order, the court
24 may do either or both of the following:

25 (1) Grant the applicant exclusive care, possession, or control of
26 the animal.

27 (2) Order the respondent to stay away from the animal and
28 refrain from taking, transferring, encumbering, concealing,
29 molesting, attacking, striking, threatening, harming, or otherwise
30 disposing of the animal.

31 (c) If a temporary restraining order is granted without notice,
32 the matter shall be made returnable on an order requiring cause to
33 be shown why the order should not be granted, on the earliest day
34 that the business of the court will permit, but not later than 21 days
35 or, if good cause appears to the court, 25 days from the date the
36 temporary restraining order is granted. The court may, on the
37 motion of the person seeking the restraining order, or on its own
38 motion, shorten the time for service of the order to show cause on
39 the person to be restrained. The court may, upon its own motion
40 or the filing of a declaration by the person seeking the restraining

1 order, find that the person to be restrained could not be served
2 within the time required by law and reissue an order previously
3 issued and dissolved by the court for failure to serve the person to
4 be restrained. The reissued order shall remain in effect until the
5 date set for the hearing. The reissued order shall state on its face
6 the date of expiration of the order. Any hearing pursuant to this
7 section may be held simultaneously with any regularly scheduled
8 hearings held in proceedings to declare a child a dependent child
9 or ward of the juvenile court pursuant to Section 300, 601, or 602,
10 or subsequent hearings regarding the dependent child or ward.

11 (d) (1) The juvenile court may issue, upon notice and a hearing,
12 any of the orders set forth in subdivisions (a), (b), and (c). Any
13 restraining order granted pursuant to this subdivision shall remain
14 in effect, in the discretion of the court, no more than three years,
15 unless otherwise terminated by the court, extended by mutual
16 consent of all parties to the restraining order, or extended by further
17 order of the court on the motion of any party to the restraining
18 order.

19 (2) If an action is filed for the purpose of terminating or
20 modifying a protective order prior to the expiration date specified
21 in the order by a party other than the protected party, the party
22 who is protected by the order shall be given notice, pursuant to
23 subdivision (b) of Section 1005 of the Code of Civil Procedure,
24 of the proceeding by personal service or, if the protected party has
25 satisfied the requirements of Chapter 3.1 (commencing with
26 Section 6205) of Division 7 of Title 1 of the Government Code,
27 by service on the Secretary of State. If the party who is protected
28 by the order cannot be notified prior to the hearing for modification
29 or termination of the protective order, the juvenile court shall deny
30 the motion to modify or terminate the order without prejudice or
31 continue the hearing until the party who is protected can be
32 properly noticed and may, upon a showing of good cause, specify
33 another method for service of process that is reasonably designed
34 to afford actual notice to the protected party. The protected party
35 may waive his or her right to notice if he or she is physically
36 present and does not challenge the sufficiency of the notice.

37 (e) (1) The juvenile court may issue an order made pursuant to
38 subdivision (a), (b), or (d) excluding a person from a residence or
39 dwelling. This order may be issued for the time and on the
40 conditions that the court determines, regardless of which party

1 holds legal or equitable title or is the lessee of the residence or
2 dwelling.

3 (2) The court may issue an order under paragraph (1) only on
4 a showing of all of the following:

5 (A) Facts sufficient for the court to ascertain that the party who
6 will stay in the dwelling has a right under color of law to possession
7 of the premises.

8 (B) That the party to be excluded has assaulted or threatens to
9 assault the other party or any other person under the care, custody,
10 and control of the other party, or any minor child of the parties or
11 of the other party.

12 (C) That physical or emotional harm would otherwise result to
13 the other party, to any person under the care, custody, and control
14 of the other party, or to any minor child of the parties or of the
15 other party.

16 (f) Any order issued pursuant to subdivision (a), (b), (c), or (d)
17 shall state on its face the date of expiration of the order.

18 (g) All data with respect to a juvenile court protective order, or
19 extension, modification, or termination thereof, granted pursuant
20 to subdivision (a), (b), (c), or (d), shall be transmitted by the court
21 or its designee, within one business day, to law enforcement
22 personnel by either one of the following methods:

23 (1) Transmitting a physical copy of the order to a local law
24 enforcement agency authorized by the Department of Justice to
25 enter orders into the California Law Enforcement
26 Telecommunications System (CLETS).

27 (2) With the approval of the Department of Justice, entering the
28 order into CLETS directly.

29 (h) Any willful and knowing violation of any order granted
30 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor
31 punishable under Section 273.65 of the Penal Code.

32 (i) A juvenile court restraining order related to domestic violence
33 issued by a court pursuant to this section shall be issued on forms
34 adopted by the Judicial Council of California and that have been
35 approved by the Department of Justice pursuant to subdivision (i)
36 of Section 6380 of the Family Code. However, the fact that an
37 order issued by a court pursuant to this section was not issued on
38 forms adopted by the Judicial Council and approved by the
39 Department of Justice shall not, in and of itself, make the order
40 unenforceable.

(j) (1) Prior to a hearing on the issuance or denial of an order under this part, a search shall be conducted as described in subdivision (a) of Section 6306 of the Family Code.

(2) Prior to deciding whether to issue an order under this part, the court shall consider the following information obtained pursuant to a search conducted under paragraph (1): any conviction for a violent felony specified in Section 667.5 of the Penal Code or a serious felony specified in Section 1192.7 of the Penal Code; any misdemeanor conviction involving domestic violence, weapons, or other violence; any outstanding warrant; parole or probation status; any prior restraining order; and any violation of a prior restraining order.

(3) (A) If the results of the search conducted pursuant to paragraph (1) indicate that an outstanding warrant exists against the subject of the search, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of any information obtained through the search that the court determines is appropriate. The law enforcement officials notified shall take all actions necessary to execute any outstanding warrants or any other actions, as appropriate and as soon as practicable.

(B) If the results of the search conducted pursuant to paragraph (1) indicate that the subject of the search is currently on parole or probation, the court shall order the clerk of the court to immediately notify, by the most effective means available, the appropriate parole or probation officer of any information obtained through the search that the court determines is appropriate. The parole or probation officer notified shall take all actions necessary to revoke any parole or probation, or any other actions, with respect to the subject person, as appropriate and as soon as practicable.

(k) Upon making any order for custody or visitation pursuant to this section, the court shall follow the procedures specified in subdivisions (c) and (d) of Section 6323 of the Family Code.

SEC. 2.5. Section 213.5 of the Welfare and Institutions Code is amended to read:

213.5. (a) After a petition has been filed pursuant to Section 311 to declare a child a dependent child of the juvenile court, and until the time that the petition is dismissed or dependency is terminated, upon application in the manner provided by Section 527 of the Code of Civil Procedure or in the manner provided by

1 Section 6300 of the Family Code, if related to domestic violence,
2 the juvenile court has exclusive jurisdiction to issue ex parte orders
3 (1) enjoining any person from molesting, attacking, striking,
4 stalking, threatening, sexually assaulting, battering, harassing,
5 telephoning, including, but not limited to, making annoying
6 telephone calls as described in Section 653m of the Penal Code,
7 destroying the personal property, contacting, either directly or
8 indirectly, by mail or otherwise, coming within a specified distance
9 of, or disturbing the peace of the child or any other child in the
10 household; and (2) excluding any person from the dwelling of the
11 person who has care, custody, and control of the child. A court
12 may also issue an ex parte order enjoining any person from
13 molesting, attacking, striking, stalking, threatening, sexually
14 assaulting, battering, harassing, telephoning, including, but not
15 limited to, making annoying telephone calls as described in Section
16 653m of the Penal Code, destroying the personal property,
17 contacting, either directly or indirectly, by mail or otherwise,
18 coming within a specified distance of, or disturbing the peace of
19 any parent, legal guardian, or current caretaker of the child,
20 regardless of whether the child resides with that parent, legal
21 guardian, or current caretaker, upon application in the manner
22 provided by Section 527 of the Code of Civil Procedure or, if
23 related to domestic violence, in the manner provided by Section
24 6300 of the Family Code. A court may also issue an ex parte order
25 enjoining any person from molesting, attacking, striking, stalking,
26 threatening, sexually assaulting, battering, harassing, telephoning,
27 including, but not limited to, making annoying telephone calls as
28 described in Section 653m of the Penal Code, destroying the
29 personal property, contacting, either directly or indirectly, by mail
30 or otherwise, coming within a specified distance of, or disturbing
31 the peace of the child's current or former social worker or court
32 appointed special advocate, upon application in the manner
33 provided by Section 527 of the Code of Civil Procedure. *On a*
34 *showing of good cause, in an ex parte order issued pursuant to*
35 *this subdivision in connection with an animal owned, possessed,*
36 *leased, kept, or held by a person protected by the restraining order,*
37 *or residing in the residence or household of a person protected by*
38 *the restraining order, the court may do either or both of the*
39 *following:*

1 (1) *Grant the applicant exclusive care, possession, or control*
2 *of the animal.*

3 (2) *Order the restrained person to stay away from the animal*
4 *and refrain from taking, transferring, encumbering, concealing,*
5 *molesting, attacking, striking, threatening, harming, or otherwise*
6 *disposing of the animal.*

7 (b) After a petition has been filed pursuant to Section 601 or
8 602 to declare a child a ward of the juvenile court, and until the
9 time that the petition is dismissed or wardship is terminated, upon
10 application in the manner provided by Section 527 of the Code of
11 Civil Procedure or, if related to domestic violence, in the manner
12 provided by Section 6300 of the Family Code, the juvenile court
13 may issue ex parte orders (1) enjoining any person from molesting,
14 attacking, striking, stalking, threatening, sexually assaulting,
15 battering, harassing, telephoning, including, but not limited to,
16 making annoying telephone calls as described in Section 653m of
17 the Penal Code, destroying the personal property, contacting, either
18 directly or indirectly, by mail or otherwise, coming within a
19 specified distance of, or disturbing the peace of the child or any
20 other child in the household; (2) excluding any person from the
21 dwelling of the person who has care, custody, and control of the
22 child; or (3) enjoining the child from contacting, threatening,
23 stalking, or disturbing the peace of any person the court finds to
24 be at risk from the conduct of the child, or with whom association
25 would be detrimental to the child. A court may also issue an ex
26 parte order enjoining any person from molesting, attacking,
27 striking, stalking, threatening, sexually assaulting, battering,
28 harassing, telephoning, including, but not limited to, making
29 annoying telephone calls as described in Section 653m of the Penal
30 Code, destroying the personal property, contacting, either directly
31 or indirectly, by mail or otherwise, coming within a specified
32 distance of, or disturbing the peace of any parent, legal guardian,
33 or current caretaker of the child, regardless of whether the child
34 resides with that parent, legal guardian, or current caretaker, upon
35 application in the manner provided by Section 527 of the Code of
36 Civil Procedure or, if related to domestic violence, in the manner
37 provided by Section 6300 of the Family Code. A court may also
38 issue an ex parte order enjoining any person from molesting,
39 attacking, striking, stalking, threatening, sexually assaulting,
40 battering, harassing, telephoning, including, but not limited to,

1 making annoying telephone calls as described in Section 653m of
2 the Penal Code, destroying the personal property, contacting, either
3 directly or indirectly, by mail or otherwise, coming within a
4 specified distance of, or disturbing the peace of the child's current
5 or former probation officer or court appointed special advocate,
6 upon application in the manner provided by Section 527 of the
7 Code of Civil Procedure. *On a showing of good cause, in an ex*
8 *parte order issued pursuant to this subdivision in connection with*
9 *an animal owned, possessed, leased, kept, or held by a person*
10 *protected by the restraining order, or residing in the residence or*
11 *household of a person protected by the restraining order, the court*
12 *may do either or both of the following:*

13 (1) *Grant the applicant exclusive care, possession, or control*
14 *of the animal.*

15 (2) *Order the respondent to stay away from the animal and*
16 *refrain from taking, transferring, encumbering, concealing,*
17 *molesting, attacking, striking, threatening, harming, or otherwise*
18 *disposing of the animal.*

19 (c) (1) If a temporary restraining order is granted without
20 notice, the matter shall be made returnable on an order requiring
21 cause to be shown why the order should not be granted, on the
22 earliest day that the business of the court will permit, but not later
23 than 21 days or, if good cause appears to the court, 25 days from
24 the date the temporary restraining order is granted. The court may,
25 on the motion of the person seeking the restraining order, or on its
26 own motion, shorten the time for *the* service of the order to show
27 cause on the person to be restrained. ~~The court may, upon its own~~
28 ~~motion or the filing of a declaration by the person seeking the~~
29 ~~restraining order, find that the person to be restrained could not~~
30 ~~be served within the time required by law and reissue an order~~
31 ~~previously issued and dissolved by the court for failure to serve~~
32 ~~the person to be restrained. The reissued order shall remain in~~
33 ~~effect until the date set for the hearing. The reissued order shall~~
34 ~~state on its face the date of expiration of the order. Any hearing~~
35 ~~pursuant to this section may be held simultaneously with any~~
36 ~~regularly scheduled hearings held in proceedings to declare a child~~
37 ~~a dependent child or ward of the juvenile court pursuant to Section~~
38 ~~300, 601, or 602, or subsequent hearings regarding the dependent~~
39 ~~child or ward.~~

1 (2) *The respondent shall be entitled, as a matter of course, to*
2 *one continuance, for a reasonable period, to respond to the*
3 *petition.*

4 (3) *Either party may request a continuance of the hearing, which*
5 *the court shall grant on a showing of good cause. The request may*
6 *be made in writing before or at the hearing or orally at the hearing.*

7 *The court may also grant a continuance on its own motion.*

8 (4) *If the court grants a continuance, any temporary restraining*
9 *order that has been issued shall remain in effect until the end of*
10 *the continued hearing, unless otherwise ordered by the court. In*
11 *granting a continuance, the court may modify or terminate a*
12 *temporary restraining order.*

13 (5) *A hearing pursuant to this section may be held*
14 *simultaneously with any regularly scheduled hearings held in*
15 *proceedings to declare a child a dependent child or ward of the*
16 *juvenile court pursuant to Section 300, 601, or 602, or subsequent*
17 *hearings regarding the dependent child or ward.*

18 (d) (1) The juvenile court may issue, upon notice and a hearing,
19 any of the orders set forth in subdivisions (a), (b), and (c). ~~Any A~~
20 restraining order granted pursuant to this subdivision shall remain
21 in effect, in the discretion of the court, no more than three years,
22 unless otherwise terminated by the court, extended by mutual
23 consent of all parties to the restraining order, or extended by further
24 order of the court on the motion of any party to the restraining
25 order.

26 (2) If an action is filed for the purpose of terminating or
27 modifying a protective order prior to the expiration date specified
28 in the order by a party other than the protected party, the party
29 who is protected by the order shall be given notice, pursuant to
30 subdivision (b) of Section 1005 of the Code of Civil Procedure,
31 of the proceeding by personal service or, if the protected party has
32 satisfied the requirements of Chapter 3.1 (commencing with
33 Section 6205) of Division 7 of Title 1 of the Government Code,
34 by service on the Secretary of State. If the party who is protected
35 by the order cannot be notified prior to the hearing for modification
36 or termination of the protective order, the juvenile court shall deny
37 the motion to modify or terminate the order without prejudice or
38 continue the hearing until the party who is protected can be
39 properly noticed and may, upon a showing of good cause, specify
40 another method for service of process that is reasonably designed

1 to afford actual notice to the protected party. The protected party
2 may waive his or her right to notice if he or she is physically
3 present and does not challenge the sufficiency of the notice.

4 (e) (1) The juvenile court may issue an order made pursuant to
5 subdivision (a), (b), or (d) excluding a person from a residence or
6 dwelling. This order may be issued for the time and on the
7 conditions that the court determines, regardless of which party
8 holds legal or equitable title or is the lessee of the residence or
9 dwelling.

10 (2) The court may issue an order under paragraph (1) only on
11 a showing of all of the following:

12 (A) Facts sufficient for the court to ascertain that the party who
13 will stay in the dwelling has a right under color of law to possession
14 of the premises.

15 (B) That the party to be excluded has assaulted or threatens to
16 assault the other party or any other person under the care, custody,
17 and control of the other party, or any minor child of the parties or
18 of the other party.

19 (C) That physical or emotional harm would otherwise result to
20 the other party, to any person under the care, custody, and control
21 of the other party, or to any minor child of the parties or of the
22 other party.

23 (f) ~~Any~~ An order issued pursuant to subdivision (a), (b), (c), or
24 (d) shall state on its face the date of expiration of the order.

25 (g) All data with respect to a juvenile court protective order, or
26 extension, modification, or termination thereof, granted pursuant
27 to subdivision (a), (b), (c), or (d), shall be transmitted by the court
28 or its designee, within one business day, to law enforcement
29 personnel by either one of the following methods:

30 (1) Transmitting a physical copy of the order to a local law
31 enforcement agency authorized by the Department of Justice to
32 enter orders into the California Law Enforcement
33 Telecommunications System (CLETS).

34 (2) With the approval of the Department of Justice, entering the
35 order into CLETS directly.

36 (h) Any willful and knowing violation of any order granted
37 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor
38 punishable under Section 273.65 of the Penal Code.

39 (i) A juvenile court restraining order related to domestic violence
40 issued by a court pursuant to this section shall be issued on forms

1 adopted by the Judicial Council of California and that have been
2 approved by the Department of Justice pursuant to subdivision (i)
3 of Section 6380 of the Family Code. However, the fact that an
4 order issued by a court pursuant to this section was not issued on
5 forms adopted by the Judicial Council and approved by the
6 Department of Justice shall not, in and of itself, make the order
7 unenforceable.

8 (j) (1) Prior to a hearing on the issuance or denial of an order
9 under this part, a search shall be conducted as described in
10 subdivision (a) of Section 6306 of the Family Code.

11 (2) Prior to deciding whether to issue an order under this part,
12 the court shall consider the following information obtained pursuant
13 to a search conducted under paragraph (1): any conviction for a
14 violent felony specified in Section 667.5 of the Penal Code or a
15 serious felony specified in Section 1192.7 of the Penal Code; any
16 misdemeanor conviction involving domestic violence, weapons,
17 or other violence; any outstanding warrant; parole or probation
18 status; any prior restraining order; and any violation of a prior
19 restraining order.

20 (3) (A) If the results of the search conducted pursuant to
21 paragraph (1) indicate that an outstanding warrant exists against
22 the subject of the search, the court shall order the clerk of the court
23 to immediately notify, by the most effective means available,
24 appropriate law enforcement officials of any information obtained
25 through the search that the court determines is appropriate. The
26 law enforcement officials notified shall take all actions necessary
27 to execute any outstanding warrants or any other actions, as
28 appropriate and as soon as practicable.

29 (B) If the results of the search conducted pursuant to paragraph
30 (1) indicate that the subject of the search is currently on parole or
31 probation, the court shall order the clerk of the court to immediately
32 notify, by the most effective means available, the appropriate parole
33 or probation officer of any information obtained through the search
34 that the court determines is appropriate. The parole or probation
35 officer notified shall take all actions necessary to revoke any parole
36 or probation, or any other actions, with respect to the subject
37 person, as appropriate and as soon as practicable.

38 (k) Upon making any order for custody or visitation pursuant
39 to this section, the court shall follow the procedures specified in
40 subdivisions (c) and (d) of Section 6323 of the Family Code.

1 SEC. 3. Section 15657.03 of the Welfare and Institutions Code
2 is amended to read:

3 15657.03. (a) (1) An elder or dependent adult who has suffered
4 abuse as defined in Section 15610.07 may seek protective orders
5 as provided in this section.

6 (2) A petition may be brought on behalf of an abused elder or
7 dependent adult by a conservator or a trustee of the elder or
8 dependent adult, an attorney-in-fact of an elder or dependent adult
9 who acts within the authority of the power of attorney, a person
10 appointed as a guardian ad litem for the elder or dependent adult,
11 or other person legally authorized to seek such relief.

12 (b) For the purposes of this section:

13 (1) "Conservator" means the legally appointed conservator of
14 the person or estate of the petitioner, or both.

15 (2) "Petitioner" means the elder or dependent adult to be
16 protected by the protective orders and, if the court grants the
17 petition, the protected person.

18 (3) "Protective order" means an order that includes any of the
19 following restraining orders, whether issued ex parte, after notice
20 and hearing, or in a judgment:

21 (A) An order enjoining a party from abusing, intimidating,
22 molesting, attacking, striking, stalking, threatening, sexually
23 assaulting, battering, harassing, telephoning, including, but not
24 limited to, making annoying telephone calls as described in Section
25 653m of the Penal Code, destroying personal property, contacting,
26 either directly or indirectly, by mail or otherwise, or coming within
27 a specified distance of, or disturbing the peace of, the petitioner,
28 and, in the discretion of the court, on a showing of good cause, of
29 other named family or household members or a conservator, if
30 any, of the petitioner. On a showing of good cause, in an order
31 issued pursuant to this subparagraph in connection with an animal
32 owned, possessed, leased, kept, or held by the petitioner, or residing
33 in the residence or household of the petitioner, the court may do
34 either or both of the following:

35 (i) Grant the petitioner exclusive care, possession, or control of
36 the animal.

37 (ii) Order the respondent to stay away from the animal and
38 refrain from taking, transferring, encumbering, concealing,
39 molesting, attacking, striking, threatening, harming, or otherwise
40 disposing of the animal.

1 (B) An order excluding a party from the petitioner's residence
2 or dwelling, except that this order shall not be issued if legal or
3 equitable title to, or lease of, the residence or dwelling is in the
4 sole name of the party to be excluded, or is in the name of the party
5 to be excluded and any other party besides the petitioner.

6 (C) An order enjoining a party from specified behavior that the
7 court determines is necessary to effectuate orders described in
8 subparagraph (A) or (B).

9 (4) "Respondent" means the person against whom the protective
10 orders are sought and, if the petition is granted, the restrained
11 person.

12 (c) An order may be issued under this section, with or without
13 notice, to restrain any person for the purpose of preventing a
14 recurrence of abuse, if a declaration shows, to the satisfaction of
15 the court, reasonable proof of a past act or acts of abuse of the
16 petitioning elder or dependent adult.

17 (d) Upon filing a petition for protective orders under this section,
18 the petitioner may obtain a temporary restraining order in
19 accordance with Section 527 of the Code of Civil Procedure, except
20 to the extent this section provides a rule that is inconsistent. The
21 temporary restraining order may include any of the protective
22 orders described in paragraph (3) of subdivision (b). However, the
23 court may issue an ex parte order excluding a party from the
24 petitioner's residence or dwelling only on a showing of all of the
25 following:

26 (1) Facts sufficient for the court to ascertain that the party who
27 will stay in the dwelling has a right under color of law to possession
28 of the premises.

29 (2) That the party to be excluded has assaulted or threatens to
30 assault the petitioner, other named family or household member
31 of the petitioner, or a conservator of the petitioner.

32 (3) That physical or emotional harm would otherwise result to
33 the petitioner, other named family or household member of the
34 petitioner, or a conservator of the petitioner.

35 (e) A request for the issuance of a temporary restraining order
36 without notice under this section shall be granted or denied on the
37 same day that the petition is submitted to the court, unless the
38 petition is filed too late in the day to permit effective review, in
39 which case the order shall be granted or denied on the next day of

1 judicial business in sufficient time for the order to be filed that day
2 with the clerk of the court.

3 (f) Within 21 days, or, if good cause appears to the court, 25
4 days, from the date that a request for a temporary restraining order
5 is granted or denied, a hearing shall be held on the petition. If no
6 request for temporary orders is made, the hearing shall be held
7 within 21 days, or, if good cause appears to the court, 25 days,
8 from the date that the petition is filed.

9 (g) The respondent may file a response that explains or denies
10 the alleged abuse.

11 (h) The court may issue, upon notice and a hearing, any of the
12 orders set forth in paragraph (3) of subdivision (b). The court may
13 issue, after notice and hearing, an order excluding a person from
14 a residence or dwelling if the court finds that physical or emotional
15 harm would otherwise result to the petitioner, other named family
16 or household member of the petitioner, or conservator of the
17 petitioner.

18 (i) (1) In the discretion of the court, an order issued after notice
19 and a hearing under this section may have a duration of not more
20 than five years, subject to termination or modification by further
21 order of the court either on written stipulation filed with the court
22 or on the motion of a party. These orders may be renewed upon
23 the request of a party, either for five years or permanently, without
24 a showing of any further abuse since the issuance of the original
25 order, subject to termination or modification by further order of
26 the court either on written stipulation filed with the court or on the
27 motion of a party. The request for renewal may be brought at any
28 time within the three months before the expiration of the order.

29 (2) The failure to state the expiration date on the face of the
30 form creates an order with a duration of three years from the date
31 of issuance.

32 (3) If an action is filed for the purpose of terminating or
33 modifying a protective order prior to the expiration date specified
34 in the order by a party other than the protected party, the party
35 who is protected by the order shall be given notice, pursuant to
36 subdivision (b) of Section 1005 of the Code of Civil Procedure,
37 of the proceeding by personal service or, if the protected party has
38 satisfied the requirements of Chapter 3.1 (commencing with
39 Section 6205) of Division 7 of Title 1 of the Government Code,
40 by service on the Secretary of State. If the party who is protected

1 by the order cannot be notified prior to the hearing for modification
2 or termination of the protective order, the court shall deny the
3 motion to modify or terminate the order without prejudice or
4 continue the hearing until the party who is protected can be
5 properly noticed and may, upon a showing of good cause, specify
6 another method for service of process that is reasonably designed
7 to afford actual notice to the protected party. The protected party
8 may waive his or her right to notice if he or she is physically
9 present in court and does not challenge the sufficiency of the notice.

10 (j) In a proceeding under this section, a support person may
11 accompany a party in court and, if the party is not represented by
12 an attorney, may sit with the party at the table that is generally
13 reserved for the party and the party's attorney. The support person
14 is present to provide moral and emotional support for a person
15 who alleges he or she is a victim of abuse. The support person is
16 not present as a legal adviser and may not provide legal advice.
17 The support person may assist the person who alleges he or she is
18 a victim of abuse in feeling more confident that he or she will not
19 be injured or threatened by the other party during the proceedings
20 if the person who alleges he or she is a victim of abuse and the
21 other party are required to be present in close proximity. This
22 subdivision does not preclude the court from exercising its
23 discretion to remove the support person from the courtroom if the
24 court believes the support person is prompting, swaying, or
25 influencing the party assisted by the support person.

26 (k) Upon the filing of a petition for protective orders under this
27 section, the respondent shall be personally served with a copy of
28 the petition, notice of the hearing or order to show cause, temporary
29 restraining order, if any, and any declarations in support of the
30 petition. Service shall be made at least five days before the hearing.
31 The court may, on motion of the petitioner or on its own motion,
32 shorten the time for service on the respondent.

33 (l) A notice of hearing under this section shall notify the
34 respondent that if he or she does not attend the hearing, the court
35 may make orders against him or her that could last up to five years.

36 (m) (1) The court may, upon the filing of a declaration by the
37 petitioner that the respondent could not be served within the time
38 required by statute, reissue an order previously issued and dissolved
39 by the court for failure to serve the respondent. The reissued order
40 shall remain in effect until the date set for the hearing.

1 (2) The reissued order shall state on its face the date of
2 expiration of the order.

3 (n) (1) If a respondent, named in an order issued under this
4 section after a hearing, has not been served personally with the
5 order but has received actual notice of the existence and substance
6 of the order through personal appearance in court to hear the terms
7 of the order from the court, no additional proof of service is
8 required for enforcement of the order.

9 (2) If the respondent named in a temporary restraining order is
10 personally served with the order and notice of hearing with respect
11 to a restraining order or protective order based on the temporary
12 restraining order, but the respondent does not appear at the hearing,
13 either personally or by an attorney, and the terms and conditions
14 of the restraining order or protective order issued at the hearing
15 are identical to the temporary restraining order, except for the
16 duration of the order, then the restraining order or protective order
17 issued at the hearing may be served on the respondent by first-class
18 mail sent to the respondent at the most current address for the
19 respondent that is available to the court.

20 (3) The Judicial Council form for temporary orders issued
21 pursuant to this subdivision shall contain a statement in
22 substantially the following form:

23
24 “If you have been personally served with a temporary restraining
25 order and notice of hearing, but you do not appear at the hearing
26 either in person or by a lawyer, and a restraining order that is the
27 same as this temporary restraining order except for the expiration
28 date is issued at the hearing, a copy of the order will be served on
29 you by mail at the following address: ____.

30 If that address is not correct or you wish to verify that the
31 temporary restraining order was converted to a restraining order
32 at the hearing without substantive change and to find out the
33 duration of that order, contact the clerk of the court.”
34

35 (o) (1) Information on any protective order relating to elder or
36 dependent adult abuse issued by a court pursuant to this section
37 shall be transmitted to the Department of Justice in accordance
38 with either paragraph (2) or (3).

39 (2) The court shall order the petitioner or the attorney for the
40 petitioner to deliver a copy of an order issued under this section,

1 or a reissuance, extension, modification, or termination of the
2 order, and any subsequent proof of service, by the close of the
3 business day on which the order, reissuance, extension,
4 modification, or termination was made, to each law enforcement
5 agency having jurisdiction over the residence of the petitioner, and
6 to any additional law enforcement agencies within the court's
7 discretion as are requested by the petitioner.

8 (3) Alternatively, the court or its designee shall transmit, within
9 one business day, to law enforcement personnel all information
10 required under subdivision (b) of Section 6380 of the Family Code
11 regarding any order issued under this section, or a reissuance,
12 extension, modification, or termination of the order, and any
13 subsequent proof of service, by either one of the following
14 methods:

15 (A) Transmitting a physical copy of the order or proof of service
16 to a local law enforcement agency authorized by the Department
17 of Justice to enter orders into the California Law Enforcement
18 Telecommunications System (CLETS).

19 (B) With the approval of the Department of Justice, entering
20 the order or proof of service into CLETS directly.

21 (4) Each appropriate law enforcement agency shall make
22 available information as to the existence and current status of these
23 orders to law enforcement officers responding to the scene of
24 reported abuse.

25 (5) An order issued under this section shall, on request of the
26 petitioner, be served on the respondent, whether or not the
27 respondent has been taken into custody, by any law enforcement
28 officer who is present at the scene of reported abuse involving the
29 parties to the proceeding. The petitioner shall provide the officer
30 with an endorsed copy of the order and a proof of service, which
31 the officer shall complete and send to the issuing court.

32 (6) Upon receiving information at the scene of an incident of
33 abuse that a protective order has been issued under this section,
34 or that a person who has been taken into custody is the respondent
35 to that order, if the protected person cannot produce an endorsed
36 copy of the order, a law enforcement officer shall immediately
37 attempt to verify the existence of the order.

38 (7) If the law enforcement officer determines that a protective
39 order has been issued, but not served, the officer shall immediately
40 notify the respondent of the terms of the order and where a written

1 copy of the order can be obtained, and the officer shall at that time
2 also enforce the order. The law enforcement officer's verbal notice
3 of the terms of the order shall constitute service of the order and
4 is sufficient notice for the purposes of this section and for the
5 purposes of Section 273.6 of the Penal Code.

6 (p) Nothing in this section shall preclude either party from
7 representation by private counsel or from appearing on the party's
8 own behalf.

9 (q) There is no filing fee for a petition, response, or paper
10 seeking the reissuance, modification, or enforcement of a protective
11 order filed in a proceeding brought pursuant to this section.

12 (r) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2
13 of the Government Code, a petitioner shall not be required to pay
14 a fee for law enforcement to serve an order issued under this
15 section.

16 (s) The prevailing party in any action brought under this section
17 may be awarded court costs and attorney's fees, if any.

18 (t) (1) A person subject to a protective order under this section
19 shall not own, possess, purchase, receive, or attempt to receive a
20 firearm or ammunition while the protective order is in effect.

21 (2) The court shall order a person subject to a protective order
22 issued under this section to relinquish any firearms he or she owns
23 or possesses pursuant to Section 527.9 of the Code of Civil
24 Procedure.

25 (3) Every person who owns, possesses, purchases, or receives,
26 or attempts to purchase or receive a firearm or ammunition while
27 subject to a protective order issued under this section is punishable
28 pursuant to Section 29825 of the Penal Code.

29 (4) This subdivision shall not apply in a case in which the
30 protective order issued under this section was made solely on the
31 basis of financial abuse unaccompanied by force, threat,
32 harassment, intimidation, or any other form of abuse.

33 (u) Any willful disobedience of any temporary restraining order
34 or restraining order after hearing granted under this section is
35 punishable pursuant to Section 273.6 of the Penal Code.

36 (v) This section does not apply to any action or proceeding
37 governed by Title 1.6C (commencing with Section 1788) of Part
38 4 of Division 3 of the Civil Code, by Chapter 3 (commencing with
39 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
40 or by Division 10 (commencing with Section 6200) of the Family

1 Code. Nothing in this section shall preclude a petitioner's right to
2 use other existing civil remedies.

3 (w) The Judicial Council shall develop forms, instructions, and
4 rules relating to matters governed by this section. The petition and
5 response forms shall be simple and concise, and their use by parties
6 in actions brought pursuant to this section shall be mandatory.

7 *SEC. 3.1. Section 15657.03 of the Welfare and Institutions*
8 *Code is amended to read:*

9 15657.03. (a) (1) An elder or dependent adult who has suffered
10 ~~abuse~~ *abuse*, as defined in Section ~~15610.07~~ *15610.07*, may seek
11 protective orders as provided in this section.

12 (2) A petition may be brought on behalf of an abused elder or
13 dependent adult by a conservator or a trustee of the elder or
14 dependent adult, an attorney-in-fact of an elder or dependent adult
15 who acts within the authority of ~~the~~ *a* power of attorney, a person
16 appointed as a guardian ad litem for the elder or dependent adult,
17 or other person legally authorized to seek such relief.

18 (b) For ~~the~~ purposes of this section:

19 (1) "Conservator" means the legally appointed conservator of
20 the person or estate of the petitioner, or both.

21 (2) "Petitioner" means the elder or dependent adult to be
22 protected by the protective orders and, if the court grants the
23 petition, the protected person.

24 (3) "Protective order" means an order that includes any of the
25 following restraining orders, whether issued ex parte, after notice
26 and hearing, or in a judgment:

27 (A) An order enjoining a party from abusing, intimidating,
28 molesting, attacking, striking, stalking, threatening, sexually
29 assaulting, battering, harassing, telephoning, including, but not
30 limited to, making annoying telephone calls as described in Section
31 653m of the Penal Code, destroying personal property, contacting,
32 either directly or indirectly, by mail or otherwise, or coming within
33 a specified distance of, or disturbing the peace of, the petitioner,
34 and, in the discretion of the court, on a showing of good cause, of
35 other named family or household members or a conservator, if
36 any, of the petitioner. *On a showing of good cause, in an order*
37 *issued pursuant to this subparagraph in connection with an animal*
38 *owned, possessed, leased, kept, or held by the petitioner, or*
39 *residing in the residence or household of the petitioner, the court*
40 *may do either or both of the following:*

1 (i) *Grant the petitioner exclusive care, possession, or control*
2 *of the animal.*

3 (ii) *Order the respondent to stay away from the animal and*
4 *refrain from taking, transferring, encumbering, concealing,*
5 *molesting, attacking, striking, threatening, harming, or otherwise*
6 *disposing of the animal.*

7 (B) An order excluding a party from the petitioner's residence
8 or dwelling, except that this order shall not be issued if legal or
9 equitable title to, or lease of, the residence or dwelling is in the
10 sole name of the party to be excluded, or is in the name of the party
11 to be excluded and any other party besides the petitioner.

12 (C) An order enjoining a party from specified behavior that the
13 court determines is necessary to effectuate orders described in
14 subparagraph (A) or (B).

15 (4) "Respondent" means the person against whom the protective
16 orders are sought and, if the petition is granted, the restrained
17 person.

18 (c) An order may be issued under this section, with or without
19 notice, to restrain any person for the purpose of preventing a
20 recurrence of abuse, if a declaration shows, to the satisfaction of
21 the court, reasonable proof of a past act or acts of abuse of the
22 petitioning elder or dependent adult.

23 (d) Upon filing a petition for protective orders under this section,
24 the petitioner may obtain a temporary restraining order in
25 accordance with Section 527 of the Code of Civil Procedure, except
26 to the extent this section provides a rule that is inconsistent. The
27 temporary restraining order may include any of the protective
28 orders described in paragraph (3) of subdivision (b). However, the
29 court may issue an ex parte order excluding a party from the
30 petitioner's residence or dwelling only on a showing of all of the
31 following:

32 (1) Facts sufficient for the court to ascertain that the party who
33 will stay in the dwelling has a right under color of law to possession
34 of the premises.

35 (2) That the party to be excluded has assaulted or threatens to
36 assault the petitioner, other named family or household member
37 of the petitioner, or a conservator of the petitioner.

38 (3) That physical or emotional harm would otherwise result to
39 the petitioner, other named family or household member of the
40 petitioner, or a conservator of the petitioner.

1 (e) A request for the issuance of a temporary restraining order
2 without notice under this section shall be granted or denied on the
3 same day that the petition is submitted to the court, unless the
4 petition is filed too late in the day to permit effective review, in
5 which case the order shall be granted or denied on the next day of
6 judicial business in sufficient time for the order to be filed that day
7 with the clerk of the court.

8 (f) Within 21 days, or, if good cause appears to the court, 25
9 days, from the date that a request for a temporary restraining order
10 is granted or denied, a hearing shall be held on the petition. If no
11 request for temporary orders is made, the hearing shall be held
12 within 21 days, or, if good cause appears to the court, 25 days,
13 from the date that the petition is filed.

14 (g) The respondent may file a response that explains or denies
15 the alleged abuse.

16 (h) The court may issue, upon notice and a hearing, any of the
17 orders set forth in paragraph (3) of subdivision (b). The court may
18 issue, after notice and hearing, an order excluding a person from
19 a residence or dwelling if the court finds that physical or emotional
20 harm would otherwise result to the petitioner, other named family
21 or household member of the petitioner, or conservator of the
22 petitioner.

23 (i) (1) In the discretion of the court, an order issued after notice
24 and a hearing under this section may have a duration of not more
25 than five years, subject to termination or modification by further
26 order of the court either on written stipulation filed with the court
27 or on the motion of a party. These orders may be renewed upon
28 the request of a party, either for five years or permanently, without
29 a showing of any further abuse since the issuance of the original
30 order, subject to termination or modification by further order of
31 the court either on written stipulation filed with the court or on the
32 motion of a party. The request for renewal may be brought at any
33 time within the three months before the expiration of the order.

34 (2) The failure to state the expiration date on the face of the
35 form creates an order with a duration of three years from the date
36 of issuance.

37 (3) If an action is filed for the purpose of terminating or
38 modifying a protective order prior to the expiration date specified
39 in the order by a party other than the protected party, the party
40 who is protected by the order shall be given notice, pursuant to

1 subdivision (b) of Section 1005 of the Code of Civil Procedure,
2 of the proceeding by personal service or, if the protected party has
3 satisfied the requirements of Chapter 3.1 (commencing with
4 Section 6205) of Division 7 of Title 1 of the Government Code,
5 by service on the Secretary of State. If the party who is protected
6 by the order cannot be notified prior to the hearing for modification
7 or termination of the protective order, the court shall deny the
8 motion to modify or terminate the order without prejudice or
9 continue the hearing until the party who is protected can be
10 properly noticed and may, upon a showing of good cause, specify
11 another method for service of process that is reasonably designed
12 to afford actual notice to the protected party. The protected party
13 may waive his or her right to notice if he or she is physically
14 present in court and does not challenge the sufficiency of the notice.

15 (j) In a proceeding under this section, a support person may
16 accompany a party in court and, if the party is not represented by
17 an attorney, may sit with the party at the table that is generally
18 reserved for the party and the party's attorney. The support person
19 is present to provide moral and emotional support for a person
20 who alleges he or she is a victim of abuse. The support person is
21 not present as a legal adviser and may not provide legal advice.
22 The support person may assist the person who alleges he or she is
23 a victim of abuse in feeling more confident that he or she will not
24 be injured or threatened by the other party during the proceedings
25 if the person who alleges he or she is a victim of abuse and the
26 other party are required to be present in close proximity. This
27 subdivision does not preclude the court from exercising its
28 discretion to remove the support person from the courtroom if the
29 court believes the support person is prompting, swaying, or
30 influencing the party assisted by the support person.

31 (k) Upon the filing of a petition for protective orders under this
32 section, the respondent shall be personally served with a copy of
33 the petition, notice of the hearing or order to show cause, temporary
34 restraining order, if any, and any declarations in support of the
35 petition. Service shall be made at least five days before the hearing.
36 The court may, on motion of the petitioner or on its own motion,
37 shorten the time for service on the respondent.

38 (l) A notice of hearing under this section shall notify the
39 respondent that if he or she does not attend the hearing, the court
40 may make orders against him or her that could last up to five years.

1 ~~(m) (1) The court may, upon the filing of a declaration by the~~
2 ~~petitioner that the respondent could not be served within the time~~
3 ~~required by statute, reissue an order previously issued and dissolved~~
4 ~~by the court for failure to serve the respondent. The reissued order~~
5 ~~shall remain in effect until the date set for the hearing.~~

6 ~~(2) The reissued order shall state on its face the date of~~
7 ~~expiration of the order.~~

8 *(m) The respondent shall be entitled, as a matter of course, to*
9 *one continuance, for a reasonable period, to respond to the*
10 *petition.*

11 *(n) (1) Either party may request a continuance of the hearing,*
12 *which the court shall grant on a showing of good cause. The*
13 *request may be made in writing before or at the hearing or orally*
14 *at the hearing. The court may also grant a continuance on its own*
15 *motion.*

16 *(2) If the court grants a continuance, any temporary restraining*
17 *order that has been granted shall remain in effect until the end of*
18 *the continued hearing, unless otherwise ordered by the court. In*
19 *granting a continuance, the court may modify or terminate a*
20 *temporary restraining order.*

21 ~~(n)~~

22 *(o) (1) If a respondent, named in an order issued under this*
23 *section after a hearing, has not been served personally with the*
24 *order but has received actual notice of the existence and substance*
25 *of the order through personal appearance in court to hear the terms*
26 *of the order from the court, no additional proof of service is*
27 *required for enforcement of the order.*

28 *(2) If the respondent named in a temporary restraining order is*
29 *personally served with the order and notice of hearing with respect*
30 *to a restraining order or protective order based on the temporary*
31 *restraining order, but the respondent does not appear at the hearing,*
32 *either personally or by an attorney, and the terms and conditions*
33 *of the restraining order or protective order issued at the hearing*
34 *are identical to the temporary restraining order, except for the*
35 *duration of the order, then the restraining order or protective order*
36 *issued at the hearing may be served on the respondent by first-class*
37 *mail sent to the respondent at the most current address for the*
38 *respondent that is available to the court.*

1 (3) The Judicial Council form for temporary orders issued
2 pursuant to this subdivision shall contain a statement in
3 substantially the following form:

4
5 “If you have been personally served with a temporary restraining
6 order and notice of hearing, but you do not appear at the hearing
7 either in person or by a lawyer, and a restraining order that is the
8 same as this temporary restraining order except for the expiration
9 date is issued at the hearing, a copy of the order will be served on
10 you by mail at the following address: ____.

11 If that address is not correct or you wish to verify that the
12 temporary restraining order was converted to a restraining order
13 at the hearing without substantive change and to find out the
14 duration of that order, contact the clerk of the court.”

15
16 (e)

17 (p) (1) Information on ~~any~~ a protective order relating to elder
18 or dependent adult abuse issued by a court pursuant to this section
19 shall be transmitted to the Department of Justice in accordance
20 with either paragraph (2) or (3).

21 (2) The court shall order the petitioner or the attorney for the
22 petitioner to deliver a copy of an order issued under this section,
23 or a reissuance, extension, modification, or termination of the
24 order, and any subsequent proof of service, by the close of the
25 business day on which the order, reissuance, extension,
26 modification, or termination was made, to each law enforcement
27 agency having jurisdiction over the residence of the petitioner, and
28 to any additional law enforcement agencies within the court’s
29 discretion as are requested by the petitioner.

30 (3) Alternatively, the court or its designee shall transmit, within
31 one business day, to law enforcement personnel all information
32 required under subdivision (b) of Section 6380 of the Family Code
33 regarding any order issued under this section, or a reissuance,
34 extension, modification, or termination of the order, and any
35 subsequent proof of service, by either one of the following
36 methods:

37 (A) Transmitting a physical copy of the order or proof of service
38 to a local law enforcement agency authorized by the Department
39 of Justice to enter orders into the California Law Enforcement
40 Telecommunications System (CLETS).

1 (B) With the approval of the Department of Justice, entering
2 the order or proof of service into CLETS directly.

3 (4) Each appropriate law enforcement agency shall make
4 available information as to the existence and current status of these
5 orders to law enforcement officers responding to the scene of
6 reported abuse.

7 (5) An order issued under this section shall, on request of the
8 petitioner, be served on the respondent, whether or not the
9 respondent has been taken into custody, by any law enforcement
10 officer who is present at the scene of reported abuse involving the
11 parties to the proceeding. The petitioner shall provide the officer
12 with an endorsed copy of the order and a proof of service, which
13 the officer shall complete and send to the issuing court.

14 (6) Upon receiving information at the scene of an incident of
15 abuse that a protective order has been issued under this section,
16 or that a person who has been taken into custody is the respondent
17 to that order, if the protected person cannot produce an endorsed
18 copy of the order, a law enforcement officer shall immediately
19 attempt to verify the existence of the order.

20 (7) If the law enforcement officer determines that a protective
21 order has been ~~issued~~, *issued* but not served, the officer shall
22 immediately notify the respondent of the terms of the order and
23 where a written copy of the order can be obtained, and the officer
24 shall at that time also enforce the order. The law enforcement
25 officer's verbal notice of the terms of the order shall constitute
26 service of the order and is sufficient notice for the purposes of this
27 section and for the purposes of Section 273.6 of the Penal Code.

28 ~~(p)~~

29 (q) Nothing in this section shall preclude either party from
30 representation by private counsel or from appearing on the party's
31 own behalf.

32 ~~(q)~~

33 (r) There is no filing fee for a petition, response, or paper
34 seeking the reissuance, modification, or enforcement of a protective
35 order filed in a proceeding brought pursuant to this section.

36 ~~(r)~~

37 (s) Pursuant to paragraph (4) of subdivision (b) of Section
38 6103.2 of the Government Code, a petitioner shall not be required
39 to pay a fee for law enforcement to serve an order issued under
40 this section.

1 ~~(s)~~

2 ~~(t)~~ The prevailing party in ~~any~~ *an* action brought under this
3 section may be awarded court costs and attorney's fees, if any.

4 ~~(t)~~

5 ~~(u)~~ (1) A person subject to a protective order under this section
6 shall not own, possess, purchase, receive, or attempt to receive a
7 firearm or ammunition while the protective order is in effect.

8 (2) The court shall order a person subject to a protective order
9 issued under this section to relinquish any firearms he or she owns
10 or possesses pursuant to Section 527.9 of the Code of Civil
11 Procedure.

12 (3) Every person who owns, possesses, purchases, or receives,
13 or attempts to purchase or receive a firearm or ammunition while
14 subject to a protective order issued under this section is punishable
15 pursuant to Section 29825 of the Penal Code.

16 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~
17 *a* protective order issued under this section was made solely on
18 the basis of financial abuse unaccompanied by force, threat,
19 harassment, intimidation, or any other form of abuse.

20 ~~(u)~~

21 ~~(v)~~ Any willful disobedience of any temporary restraining order
22 or restraining order after hearing granted under this section is
23 punishable pursuant to Section 273.6 of the Penal Code.

24 ~~(v)~~

25 ~~(w)~~ This section does not apply to any action or proceeding
26 governed by Title 1.6C (commencing with Section 1788) of Part
27 4 of Division 3 of the Civil Code, by Chapter 3 (commencing with
28 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
29 or by Division 10 (commencing with Section 6200) of the Family
30 Code. Nothing in this section shall preclude a petitioner's right to
31 use other existing civil remedies.

32 ~~(w)~~

33 ~~(x)~~ The Judicial Council shall develop forms, instructions, and
34 rules relating to matters governed by this section. The petition and
35 response forms shall be simple and concise, and their use by parties
36 in actions brought pursuant to this section shall be mandatory.

37 *SEC. 3.2. Section 15657.03 of the Welfare and Institutions*
38 *Code is amended to read:*

1 15657.03. (a) (1) An elder or dependent adult who has suffered
2 ~~abuse~~ *abuse*, as defined in Section ~~15610.07~~ *15610.07*, may seek
3 protective orders as provided in this section.

4 (2) A petition may be brought on behalf of an abused elder or
5 dependent adult by a conservator or a trustee of the elder or
6 dependent adult, an attorney-in-fact of an elder or dependent adult
7 who acts within the authority of ~~the a~~ power of attorney, a person
8 appointed as a guardian ad litem for the elder or dependent adult,
9 or other person legally authorized to seek such relief.

10 (b) For the purposes of this section:

11 (1) “Conservator” means the legally appointed conservator of
12 the person or estate of the petitioner, or both.

13 (2) “Petitioner” means the elder or dependent adult to be
14 protected by the protective orders and, if the court grants the
15 petition, the protected person.

16 (3) “Protective order” means an order that includes any of the
17 following restraining orders, whether issued ex parte, after notice
18 and hearing, or in a judgment:

19 (A) An order enjoining a party from abusing, intimidating,
20 molesting, attacking, striking, stalking, threatening, sexually
21 assaulting, battering, harassing, telephoning, including, but not
22 limited to, making annoying telephone calls as described in Section
23 653m of the Penal Code, destroying personal property, contacting,
24 either directly or indirectly, by mail or otherwise, or coming within
25 a specified distance of, or disturbing the peace of, the petitioner,
26 and, in the discretion of the court, on a showing of good cause, of
27 other named family or household members or a conservator, if
28 any, of the petitioner. *On a showing of good cause, in an order*
29 *issued pursuant to this subparagraph in connection with an animal*
30 *owned, possessed, leased, kept, or held by the petitioner, or*
31 *residing in the residence or household of the petitioner, the court*
32 *may do either or both of the following:*

33 (i) *Grant the petitioner exclusive care, possession, or control*
34 *of the animal.*

35 (ii) *Order the respondent to stay away from the animal and*
36 *refrain from taking, transferring, encumbering, concealing,*
37 *molesting, attacking, striking, threatening, harming, or otherwise*
38 *disposing of the animal.*

39 (B) An order excluding a party from the petitioner’s residence
40 or dwelling, except that this order shall not be issued if legal or

1 equitable title to, or lease of, the residence or dwelling is in the
2 sole name of the party to be excluded, or is in the name of the party
3 to be excluded and any other party besides the petitioner.

4 (C) An order enjoining a party from specified behavior that the
5 court determines is necessary to effectuate orders described in
6 subparagraph (A) or (B).

7 (4) “Respondent” means the person against whom the protective
8 orders are sought and, if the petition is granted, the restrained
9 person.

10 (c) An order may be issued under this section, with or without
11 notice, to restrain any person for the purpose of preventing a
12 recurrence of abuse, if a declaration shows, to the satisfaction of
13 the court, reasonable proof of a past act or acts of abuse of the
14 petitioning elder or dependent adult.

15 (d) Upon filing a petition for protective orders under this section,
16 the petitioner may obtain a temporary restraining order in
17 accordance with Section 527 of the Code of Civil Procedure, except
18 to the extent this section provides a rule that is inconsistent. The
19 temporary restraining order may include any of the protective
20 orders described in paragraph (3) of subdivision (b). However, the
21 court may issue an ex parte order excluding a party from the
22 petitioner’s residence or dwelling only on a showing of all of the
23 following:

24 (1) Facts sufficient for the court to ascertain that the party who
25 will stay in the dwelling has a right under color of law to possession
26 of the premises.

27 (2) That the party to be excluded has assaulted or threatens to
28 assault the petitioner, other named family or household member
29 of the petitioner, or a conservator of the petitioner.

30 (3) That physical or emotional harm would otherwise result to
31 the petitioner, other named family or household member of the
32 petitioner, or a conservator of the petitioner.

33 (e) A request for the issuance of a temporary restraining order
34 without notice under this section shall be granted or denied on the
35 same day that the petition is submitted to the court, unless the
36 petition is filed too late in the day to permit effective review, in
37 which case the order shall be granted or denied on the next day of
38 judicial business in sufficient time for the order to be filed that day
39 with the clerk of the court.

1 (f) Within 21 days, or, if good cause appears to the court, 25
2 days, from the date that a request for a temporary restraining order
3 is granted or denied, a hearing shall be held on the petition. If no
4 request for temporary orders is made, the hearing shall be held
5 within 21 days, or, if good cause appears to the court, 25 days,
6 from the date that the petition is filed.

7 (g) The respondent may file a response that explains or denies
8 the alleged abuse.

9 (h) The court may issue, upon notice and a hearing, any of the
10 orders set forth in paragraph (3) of subdivision (b). The court may
11 issue, after notice and hearing, an order excluding a person from
12 a residence or dwelling if the court finds that physical or emotional
13 harm would otherwise result to the petitioner, other named family
14 or household member of the petitioner, or conservator of the
15 petitioner.

16 (i) (1) In the discretion of the court, an order issued after notice
17 and a hearing under this section may have a duration of not more
18 than five years, subject to termination or modification by further
19 order of the court either on written stipulation filed with the court
20 or on the motion of a party. These orders may be renewed upon
21 the request of a party, either for five years or permanently, without
22 a showing of any further abuse since the issuance of the original
23 order, subject to termination or modification by further order of
24 the court either on written stipulation filed with the court or on the
25 motion of a party. The request for renewal may be brought at any
26 time within the three months before the expiration of the order.

27 (2) The failure to state the expiration date on the face of the
28 form creates an order with a duration of three years from the date
29 of issuance.

30 (3) If an action is filed for the purpose of terminating or
31 modifying a protective order prior to the expiration date specified
32 in the order by a party other than the protected party, the party
33 who is protected by the order shall be given notice, pursuant to
34 subdivision (b) of Section 1005 of the Code of Civil Procedure,
35 of the proceeding by personal service or, if the protected party has
36 satisfied the requirements of Chapter 3.1 (commencing with
37 Section 6205) of Division 7 of Title 1 of the Government Code,
38 by service on the Secretary of State. If the party who is protected
39 by the order cannot be notified prior to the hearing for modification
40 or termination of the protective order, the court shall deny the

1 motion to modify or terminate the order without prejudice or
2 continue the hearing until the party who is protected can be
3 properly noticed and may, upon a showing of good cause, specify
4 another method for service of process that is reasonably designed
5 to afford actual notice to the protected party. The protected party
6 may waive his or her right to notice if he or she is physically
7 present in court and does not challenge the sufficiency of the notice.

8 (j) In a proceeding under this section, a support person may
9 accompany a party in court and, if the party is not represented by
10 an attorney, may sit with the party at the table that is generally
11 reserved for the party and the party's attorney. The support person
12 is present to provide moral and emotional support for a person
13 who alleges he or she is a victim of abuse. The support person is
14 not present as a legal adviser and may not provide legal advice.
15 The support person may assist the person who alleges he or she is
16 a victim of abuse in feeling more confident that he or she will not
17 be injured or threatened by the other party during the proceedings
18 if the person who alleges he or she is a victim of abuse and the
19 other party are required to be present in close proximity. This
20 subdivision does not preclude the court from exercising its
21 discretion to remove the support person from the courtroom if the
22 court believes the support person is prompting, swaying, or
23 influencing the party assisted by the support person.

24 (k) Upon the filing of a petition for protective orders under this
25 section, the respondent shall be personally served with a copy of
26 the petition, notice of the hearing or order to show cause, temporary
27 restraining order, if any, and any declarations in support of the
28 petition. Service shall be made at least five days before the hearing.
29 The court may, on motion of the petitioner or on its own motion,
30 shorten the time for service on the respondent.

31 (l) A notice of hearing under this section shall notify the
32 respondent that if he or she does not attend the hearing, the court
33 may make orders against him or her that could last up to five years.

34 (m) (1) The court may, upon the filing of a declaration by the
35 petitioner that the respondent could not be served within the time
36 required by statute, reissue an order previously issued and dissolved
37 by the court for failure to serve the respondent. The reissued order
38 shall remain in effect until the date set for the hearing.

39 (2) The reissued order shall state on its face the date of
40 expiration of the order.

(n) (1) If a respondent, named in an order issued under this section after a hearing, has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

(2) If the respondent named in a temporary restraining order is personally served with the order and notice of hearing with respect to a restraining order or protective order based on the temporary restraining order, but the respondent does not appear at the hearing, either personally or by an attorney, and the terms and conditions of the restraining order or protective order issued at the hearing are identical to the temporary restraining order, except for the duration of the order, then the restraining order or protective order issued at the hearing may be served on the respondent by first-class mail sent to the respondent at the most current address for the respondent that is available to the court.

(3) The Judicial Council form for temporary orders issued pursuant to this subdivision shall contain a statement in substantially the following form:

“If you have been personally served with a temporary restraining order and notice of hearing, but you do not appear at the hearing either in person or by a lawyer, and a restraining order that is the same as this temporary restraining order except for the expiration date is issued at the hearing, a copy of the order will be served on you by mail at the following address: ____.

If that address is not correct or you wish to verify that the temporary restraining order was converted to a restraining order at the hearing without substantive change and to find out the duration of that order, contact the clerk of the court.”

(o) (1) Information on ~~any~~ a protective order relating to elder or dependent adult abuse issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with either paragraph (2) or (3).

(2) The court shall order the petitioner or the attorney for the petitioner to deliver a copy of an order issued under this section, or a reissuance, extension, modification, or termination of the order, and any subsequent proof of service, by the close of the

1 business day on which the order, reissuance, extension,
2 modification, or termination was made, to each law enforcement
3 agency having jurisdiction over the residence of the petitioner, and
4 to any additional law enforcement agencies within the court's
5 discretion as are requested by the petitioner.

6 (3) Alternatively, the court or its designee shall transmit, within
7 one business day, to law enforcement personnel all information
8 required under subdivision (b) of Section 6380 of the Family Code
9 regarding any order issued under this section, or a reissuance,
10 extension, modification, or termination of the order, and any
11 subsequent proof of service, by either one of the following
12 methods:

13 (A) Transmitting a physical copy of the order or proof of service
14 to a local law enforcement agency authorized by the Department
15 of Justice to enter orders into the California Law Enforcement
16 Telecommunications System (CLETS).

17 (B) With the approval of the Department of Justice, entering
18 the order or proof of service into CLETS directly.

19 (4) Each appropriate law enforcement agency shall make
20 available information as to the existence and current status of these
21 orders to law enforcement officers responding to the scene of
22 reported abuse.

23 (5) An order issued under this section shall, on request of the
24 petitioner, be served on the respondent, whether or not the
25 respondent has been taken into custody, by any law enforcement
26 officer who is present at the scene of reported abuse involving the
27 parties to the proceeding. The petitioner shall provide the officer
28 with an endorsed copy of the order and a proof of service, which
29 the officer shall complete and send to the issuing court.

30 (6) Upon receiving information at the scene of an incident of
31 abuse that a protective order has been issued under this section,
32 or that a person who has been taken into custody is the respondent
33 to that order, if the protected person cannot produce an endorsed
34 copy of the order, a law enforcement officer shall immediately
35 attempt to verify the existence of the order.

36 (7) If the law enforcement officer determines that a protective
37 order has been issued, but not served, the officer shall immediately
38 notify the respondent of the terms of the order and where a written
39 copy of the order can be obtained, and the officer shall at that time
40 also enforce the order. The law enforcement officer's verbal notice

1 of the terms of the order shall constitute service of the order and
2 is sufficient notice for the purposes of this section and for the
3 purposes of Section 273.6 of the Penal Code.

4 (p) Nothing in this section shall preclude either party from
5 representation by private counsel or from appearing on the party's
6 own behalf.

7 (q) There is no filing fee for a petition, response, or paper
8 seeking the reissuance, modification, or enforcement of a protective
9 order filed in a proceeding brought pursuant to this section.

10 (r) Pursuant to paragraph (4) of subdivision (b) of Section 6103.2
11 of the Government Code, a petitioner shall not be required to pay
12 a fee for law enforcement to serve an order issued under this
13 section.

14 (s) The prevailing party in ~~any~~ *an* action brought under this
15 section may be awarded court costs and attorney's fees, if any.

16 (t) (1) A person subject to a protective order under this section
17 shall not own, possess, purchase, receive, or attempt to receive a
18 firearm or ammunition while the protective order is in effect.

19 (2) The court shall order a person subject to a protective order
20 issued under this section to relinquish any firearms he or she owns
21 or possesses pursuant to Section 527.9 of the Code of Civil
22 Procedure.

23 (3) Every person who owns, possesses, purchases, or receives,
24 or attempts to purchase or receive a firearm or ammunition while
25 subject to a protective order issued under this section is punishable
26 pursuant to Section 29825 of the Penal Code.

27 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~
28 *a* protective order issued under this section was made solely on
29 the basis of financial abuse unaccompanied by force, threat,
30 harassment, intimidation, or any other form of abuse.

31 (u) Any willful disobedience of any temporary restraining order
32 or restraining order after hearing granted under this section is
33 punishable pursuant to Section 273.6 of the Penal Code.

34 (v) This section does not apply to any action or proceeding
35 governed by Title 1.6C (commencing with Section 1788) of Part
36 4 of Division 3 of the Civil Code, ~~by~~ Chapter 3 (commencing with
37 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
38 ~~or by~~ Division 10 (commencing with Section 6200) of the Family
39 Code. Nothing in this section shall preclude a petitioner's right to
40 use other existing civil remedies.

1 (w) The Judicial Council shall develop forms, instructions, and
2 rules relating to matters governed by this section. The petition and
3 response forms shall be simple and concise, and their use by parties
4 in actions brought pursuant to this section shall be mandatory.

5 (x) *This section shall become inoperative on July 1, 2016, and,*
6 *as of January 1, 2017, is repealed, unless a later enacted statute,*
7 *that becomes operative on or before January 1, 2017, deletes or*
8 *extends the dates on which it becomes inoperative and is repealed.*

9 SEC. 3.3. *Section 15657.03 is added to the Welfare and*
10 *Institutions Code, to read:*

11 15657.03. (a) (1) *An elder or dependent adult who has suffered*
12 *abuse, as defined in Section 15610.07, may seek protective orders*
13 *as provided in this section.*

14 (2) *A petition may be brought on behalf of an abused elder or*
15 *dependent adult by a conservator or a trustee of the elder or*
16 *dependent adult, an attorney-in-fact of an elder or dependent adult*
17 *who acts within the authority of a power of attorney, a person*
18 *appointed as a guardian ad litem for the elder or dependent adult,*
19 *or other person legally authorized to seek the relief.*

20 (3) (A) *A petition under this section may be brought on behalf*
21 *of an elder or dependent adult by a county adult protective services*
22 *agency in either of the following circumstances:*

23 (i) *If the elder or dependent adult has suffered abuse as defined*
24 *in subdivision (b) and has an impaired ability to appreciate and*
25 *understand the circumstances that place him or her at risk of harm.*

26 (ii) *If the elder or dependent adult has provided written*
27 *authorization to a county adult protective services agency to act*
28 *on his or her behalf.*

29 (B) *In the case of a petition filed pursuant to clause (i) of*
30 *subparagraph (A) by a county adult protective services agency, a*
31 *referral shall be made to the public guardian consistent with*
32 *Section 2920 of the Probate Code prior to or concurrent with the*
33 *filing of the petition, unless a petition for appointment of a*
34 *conservator has already been filed with the probate court by the*
35 *public guardian or another party.*

36 (C) *A county adult protective services agency shall be subject*
37 *to any confidentiality restrictions that otherwise apply to its*
38 *activities under law and shall disclose only those facts as necessary*
39 *to establish reasonable cause for the filing of the petition,*
40 *including, in the case of a petition filed pursuant to clause (i) of*

1 *subparagraph (A), to establish the agency's belief that the elder*
2 *or dependent adult has suffered abuse and has an impaired ability*
3 *to appreciate and understand the circumstances that place him or*
4 *her at risk, and as may be requested by the court in determining*
5 *whether to issue an order under this section.*

6 *(b) For the purposes of this section:*

7 *(1) "Abuse" has the meaning set forth in Section 15610.07.*

8 *(2) "Conservator" means the legally appointed conservator of*
9 *the person or estate of the petitioner, or both.*

10 *(3) "Petitioner" means the elder or dependent adult to be*
11 *protected by the protective orders and, if the court grants the*
12 *petition, the protected person.*

13 *(4) "Protective order" means an order that includes any of the*
14 *following restraining orders, whether issued ex parte, after notice*
15 *and hearing, or in a judgment:*

16 *(A) An order enjoining a party from abusing, intimidating,*
17 *molesting, attacking, striking, stalking, threatening, sexually*
18 *assaulting, battering, harassing, telephoning, including, but not*
19 *limited to, making annoying telephone calls as described in Section*
20 *653m of the Penal Code, destroying personal property, contacting,*
21 *either directly or indirectly, by mail or otherwise, or coming within*
22 *a specified distance of, or disturbing the peace of, the petitioner,*
23 *and, in the discretion of the court, on a showing of good cause, of*
24 *other named family or household members or a conservator, if*
25 *any, of the petitioner. On a showing of good cause, in an order*
26 *issued pursuant to this subparagraph in connection with an animal*
27 *owned, possessed, leased, kept, or held by the petitioner, or*
28 *residing in the residence or household of the petitioner, the court*
29 *may do either or both of the following:*

30 *(i) Grant the petitioner exclusive care, possession, or control*
31 *of the animal.*

32 *(ii) Order the respondent to stay away from the animal and*
33 *refrain from taking, transferring, encumbering, concealing,*
34 *molesting, attacking, striking, threatening, harming, or otherwise*
35 *disposing of the animal.*

36 *(B) An order excluding a party from the petitioner's residence*
37 *or dwelling, except that this order shall not be issued if legal or*
38 *equitable title to, or lease of, the residence or dwelling is in the*
39 *sole name of the party to be excluded, or is in the name of the party*
40 *to be excluded and any other party besides the petitioner.*

1 (C) An order enjoining a party from specified behavior that the
2 court determines is necessary to effectuate orders described in
3 subparagraph (A) or (B).

4 (5) “Respondent” means the person against whom the protective
5 orders are sought and, if the petition is granted, the restrained
6 person.

7 (c) An order may be issued under this section, with or without
8 notice, to restrain any person for the purpose of preventing a
9 recurrence of abuse, if a declaration shows, to the satisfaction of
10 the court, reasonable proof of a past act or acts of abuse of the
11 petitioning elder or dependent adult.

12 (d) Upon filing a petition for protective orders under this
13 section, the petitioner may obtain a temporary restraining order
14 in accordance with Section 527 of the Code of Civil Procedure,
15 except to the extent this section provides a rule that is inconsistent.
16 The temporary restraining order may include any of the protective
17 orders described in paragraph (4) of subdivision (b). However,
18 the court may issue an ex parte order excluding a party from the
19 petitioner’s residence or dwelling only on a showing of all of the
20 following:

21 (1) Facts sufficient for the court to ascertain that the party who
22 will stay in the dwelling has a right under color of law to
23 possession of the premises.

24 (2) That the party to be excluded has assaulted or threatens to
25 assault the petitioner, other named family or household member
26 of the petitioner, or a conservator of the petitioner.

27 (3) That physical or emotional harm would otherwise result to
28 the petitioner, other named family or household member of the
29 petitioner, or a conservator of the petitioner.

30 (e) A request for the issuance of a temporary restraining order
31 without notice under this section shall be granted or denied on the
32 same day that the petition is submitted to the court, unless the
33 petition is filed too late in the day to permit effective review, in
34 which case the order shall be granted or denied on the next day
35 of judicial business in sufficient time for the order to be filed that
36 day with the clerk of the court.

37 (f) Within 21 days, or, if good cause appears to the court, 25
38 days, from the date that a request for a temporary restraining
39 order is granted or denied, a hearing shall be held on the petition.
40 If no request for temporary orders is made, the hearing shall be

1 held within 21 days, or, if good cause appears to the court, 25
2 days, from the date that the petition is filed.

3 (g) The respondent may file a response that explains or denies
4 the alleged abuse.

5 (h) The court may issue, upon notice and a hearing, any of the
6 orders set forth in paragraph (4) of subdivision (b). The court may
7 issue, after notice and hearing, an order excluding a person from
8 a residence or dwelling if the court finds that physical or emotional
9 harm would otherwise result to the petitioner, other named family
10 or household member of the petitioner, or conservator of the
11 petitioner.

12 (i) (1) In the discretion of the court, an order issued after notice
13 and a hearing under this section may have a duration of not more
14 than five years, subject to termination or modification by further
15 order of the court either on written stipulation filed with the court
16 or on the motion of a party. These orders may be renewed upon
17 the request of a party, either for five years or permanently, without
18 a showing of any further abuse since the issuance of the original
19 order, subject to termination or modification by further order of
20 the court either on written stipulation filed with the court or on
21 the motion of a party. The request for renewal may be brought at
22 any time within the three months before the expiration of the order.

23 (2) The failure to state the expiration date on the face of the
24 form creates an order with a duration of three years from the date
25 of issuance.

26 (3) If an action is filed for the purpose of terminating or
27 modifying a protective order prior to the expiration date specified
28 in the order by a party other than the protected party, the party
29 who is protected by the order shall be given notice, pursuant to
30 subdivision (b) of Section 1005 of the Code of Civil Procedure, of
31 the proceeding by personal service or, if the protected party has
32 satisfied the requirements of Chapter 3.1 (commencing with Section
33 6205) of Division 7 of Title 1 of the Government Code, by service
34 on the Secretary of State. If the party who is protected by the order
35 cannot be notified prior to the hearing for modification or
36 termination of the protective order, the court shall deny the motion
37 to modify or terminate the order without prejudice or continue the
38 hearing until the party who is protected can be properly noticed
39 and may, upon a showing of good cause, specify another method
40 for service of process that is reasonably designed to afford actual

1 notice to the protected party. The protected party may waive his
2 or her right to notice if he or she is physically present in court and
3 does not challenge the sufficiency of the notice.

4 (j) In a proceeding under this section, a support person may
5 accompany a party in court and, if the party is not represented by
6 an attorney, may sit with the party at the table that is generally
7 reserved for the party and the party's attorney. The support person
8 is present to provide moral and emotional support for a person
9 who alleges he or she is a victim of abuse. The support person is
10 not present as a legal adviser and may not provide legal advice.
11 The support person may assist the person who alleges he or she
12 is a victim of abuse in feeling more confident that he or she will
13 not be injured or threatened by the other party during the
14 proceedings if the person who alleges he or she is a victim of abuse
15 and the other party are required to be present in close proximity.
16 This subdivision does not preclude the court from exercising its
17 discretion to remove the support person from the courtroom if the
18 court believes the support person is prompting, swaying, or
19 influencing the party assisted by the support person.

20 (k) Upon the filing of a petition for protective orders under this
21 section, the respondent shall be personally served with a copy of
22 the petition, notice of the hearing or order to show cause,
23 temporary restraining order, if any, and any declarations in
24 support of the petition. Service shall be made at least five days
25 before the hearing. The court may, on motion of the petitioner or
26 on its own motion, shorten the time for service on the respondent.

27 (l) A notice of hearing under this section shall notify the
28 respondent that if he or she does not attend the hearing, the court
29 may make orders against him or her that could last up to five years.

30 (m) (1) The court may, upon the filing of a declaration by the
31 petitioner that the respondent could not be served within the time
32 required by statute, reissue an order previously issued and
33 dissolved by the court for failure to serve the respondent. The
34 reissued order shall remain in effect until the date set for the
35 hearing.

36 (2) The reissued order shall state on its face the date of
37 expiration of the order.

38 (n) (1) If a respondent, named in an order issued under this
39 section after a hearing, has not been served personally with the
40 order but has received actual notice of the existence and substance

1 of the order through personal appearance in court to hear the
2 terms of the order from the court, no additional proof of service
3 is required for enforcement of the order.

4 (2) If the respondent named in a temporary restraining order
5 is personally served with the order and notice of hearing with
6 respect to a restraining order or protective order based on the
7 temporary restraining order, but the respondent does not appear
8 at the hearing, either personally or by an attorney, and the terms
9 and conditions of the restraining order or protective order issued
10 at the hearing are identical to the temporary restraining order,
11 except for the duration of the order, then the restraining order or
12 protective order issued at the hearing may be served on the
13 respondent by first-class mail sent to the respondent at the most
14 current address for the respondent that is available to the court.

15 (3) The Judicial Council form for temporary orders issued
16 pursuant to this subdivision shall contain a statement in
17 substantially the following form:

18 “If you have been personally served with a temporary restraining
19 order and notice of hearing, but you do not appear at the hearing
20 either in person or by a lawyer, and a restraining order that is the
21 same as this temporary restraining order except for the expiration
22 date is issued at the hearing, a copy of the order will be served on
23 you by mail at the following address:

24 If that address is not correct or you wish to verify that the
25 temporary restraining order was converted to a restraining order
26 at the hearing without substantive change and to find out the
27 duration of that order, contact the clerk of the court.”

28 (o) (1) Information on a protective order relating to elder or
29 dependent adult abuse issued by a court pursuant to this section
30 shall be transmitted to the Department of Justice in accordance
31 with either paragraph (2) or (3).

32 (2) The court shall order the petitioner or the attorney for the
33 petitioner to deliver a copy of an order issued under this section,
34 or a reissuance, extension, modification, or termination of the
35 order, and any subsequent proof of service, by the close of the
36 business day on which the order, reissuance, extension,
37 modification, or termination was made, to each law enforcement
38 agency having jurisdiction over the residence of the petitioner,
39 and to any additional law enforcement agencies within the court’s
40 discretion as are requested by the petitioner.

1 (3) *Alternatively, the court or its designee shall transmit, within*
2 *one business day, to law enforcement personnel all information*
3 *required under subdivision (b) of Section 6380 of the Family Code*
4 *regarding any order issued under this section, or a reissuance,*
5 *extension, modification, or termination of the order; and any*
6 *subsequent proof of service, by either one of the following methods:*

7 (A) *Transmitting a physical copy of the order or proof of service*
8 *to a local law enforcement agency authorized by the Department*
9 *of Justice to enter orders into the California Law Enforcement*
10 *Telecommunications System (CLETS).*

11 (B) *With the approval of the Department of Justice, entering*
12 *the order or proof of service into CLETS directly.*

13 (4) *Each appropriate law enforcement agency shall make*
14 *available information as to the existence and current status of*
15 *these orders to law enforcement officers responding to the scene*
16 *of reported abuse.*

17 (5) *An order issued under this section shall, on request of the*
18 *petitioner, be served on the respondent, whether or not the*
19 *respondent has been taken into custody, by any law enforcement*
20 *officer who is present at the scene of reported abuse involving the*
21 *parties to the proceeding. The petitioner shall provide the officer*
22 *with an endorsed copy of the order and a proof of service, which*
23 *the officer shall complete and send to the issuing court.*

24 (6) *Upon receiving information at the scene of an incident of*
25 *abuse that a protective order has been issued under this section,*
26 *or that a person who has been taken into custody is the respondent*
27 *to that order, if the protected person cannot produce an endorsed*
28 *copy of the order, a law enforcement officer shall immediately*
29 *attempt to verify the existence of the order.*

30 (7) *If the law enforcement officer determines that a protective*
31 *order has been issued, but not served, the officer shall immediately*
32 *notify the respondent of the terms of the order and where a written*
33 *copy of the order can be obtained, and the officer shall at that time*
34 *also enforce the order. The law enforcement officer's verbal notice*
35 *of the terms of the order shall constitute service of the order and*
36 *is sufficient notice for the purposes of this section and for the*
37 *purposes of Section 273.6 of the Penal Code.*

38 (p) *Nothing in this section shall preclude either party from*
39 *representation by private counsel or from appearing on the party's*
40 *own behalf.*

1 (q) *There is no filing fee for a petition, response, or paper*
2 *seeking the reissuance, modification, or enforcement of a protective*
3 *order filed in a proceeding brought pursuant to this section.*

4 (r) *Pursuant to paragraph (4) of subdivision (b) of Section*
5 *6103.2 of the Government Code, a petitioner shall not be required*
6 *to pay a fee for law enforcement to serve an order issued under*
7 *this section.*

8 (s) *The prevailing party in an action brought under this section*
9 *may be awarded court costs and attorney's fees, if any.*

10 (t) (1) *A person subject to a protective order under this section*
11 *shall not own, possess, purchase, receive, or attempt to receive a*
12 *firearm or ammunition while the protective order is in effect.*

13 (2) *The court shall order a person subject to a protective order*
14 *issued under this section to relinquish any firearms he or she owns*
15 *or possesses pursuant to Section 527.9 of the Code of Civil*
16 *Procedure.*

17 (3) *Every person who owns, possesses, purchases, or receives,*
18 *or attempts to purchase or receive a firearm or ammunition while*
19 *subject to a protective order issued under this section is punishable*
20 *pursuant to Section 29825 of the Penal Code.*

21 (4) *This subdivision does not apply in a case in which a*
22 *protective order issued under this section was made solely on the*
23 *basis of financial abuse unaccompanied by force, threat,*
24 *harassment, intimidation, or any other form of abuse.*

25 (u) *In a proceeding brought under paragraph (3) of subdivision*
26 *(a), all of the following apply:*

27 (1) *Upon the filing of a petition for a protective order, the elder*
28 *or dependent adult on whose behalf the petition has been filed*
29 *shall receive a copy of the petition, a notice of the hearing, and*
30 *any declarations submitted in support of the petition. The elder or*
31 *dependent adult shall receive this information at least five days*
32 *before the hearing. The court may, on motion of the petitioner or*
33 *on its own motion, shorten the time for provision of this information*
34 *to the elder or dependent adult.*

35 (2) *The adult protective services agency shall make reasonable*
36 *efforts to assist the elder or dependent adult to attend the hearing*
37 *and provide testimony to the court, if he or she wishes to do so. If*
38 *the elder or dependent adult does not attend the hearing, the*
39 *agency shall provide information to the court at the hearing*

1 *regarding the reasons why the elder or dependent adult is not in*
2 *attendance.*

3 *(3) Upon the filing of a petition for a protective order and upon*
4 *issuance of an order granting the petition, the county adult*
5 *protective services agency shall take all reasonable steps to provide*
6 *for the safety of the elder or dependent adult, pursuant to Chapter*
7 *13 (commencing with Section 15750), which may include, but are*
8 *not limited to, facilitating the location of alternative*
9 *accommodations for the elder or dependent adult, if needed.*

10 *(v) Any willful disobedience of any temporary restraining order*
11 *or restraining order after hearing granted under this section is*
12 *punishable pursuant to Section 273.6 of the Penal Code.*

13 *(w) This section does not apply to any action or proceeding*
14 *governed by Title 1.6C (commencing with Section 1788) of Part*
15 *4 of Division 3 of the Civil Code, Chapter 3 (commencing with*
16 *Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,*
17 *or Division 10 (commencing with Section 6200) of the Family*
18 *Code. Nothing in this section shall preclude a petitioner's right*
19 *to use other existing civil remedies.*

20 *(x) The Judicial Council shall develop forms, instructions, and*
21 *rules relating to matters governed by this section. The petition and*
22 *response forms shall be simple and concise, and shall be used by*
23 *parties in actions brought pursuant to this section.*

24 *(y) This section shall become operative on July 1, 2016.*

25 *SEC. 3.4. Section 15657.03 of the Welfare and Institutions*
26 *Code is amended to read:*

27 *15657.03. (a) (1) An elder or dependent adult who has suffered*
28 *~~abuse~~ abuse, as defined in Section ~~15610.07~~ 15610.07, may seek*
29 *protective orders as provided in this section.*

30 *(2) A petition may be brought on behalf of an abused elder or*
31 *dependent adult by a conservator or a trustee of the elder or*
32 *dependent adult, an attorney-in-fact of an elder or dependent adult*
33 *who acts within the authority of ~~the~~ a power of attorney, a person*
34 *appointed as a guardian ad litem for the elder or dependent adult,*
35 *or other person legally authorized to seek such relief.*

36 *(b) For ~~the~~ purposes of this section:*

37 *(1) "Conservator" means the legally appointed conservator of*
38 *the person or estate of the petitioner, or both.*

1 (2) “Petitioner” means the elder or dependent adult to be
2 protected by the protective orders and, if the court grants the
3 petition, the protected person.

4 (3) “Protective order” means an order that includes any of the
5 following restraining orders, whether issued ex parte, after notice
6 and hearing, or in a judgment:

7 (A) An order enjoining a party from abusing, intimidating,
8 molesting, attacking, striking, stalking, threatening, sexually
9 assaulting, battering, harassing, telephoning, including, but not
10 limited to, making annoying telephone calls as described in Section
11 653m of the Penal Code, destroying personal property, contacting,
12 either directly or indirectly, by mail or otherwise, or coming within
13 a specified distance of, or disturbing the peace of, the petitioner,
14 and, in the discretion of the court, on a showing of good cause, of
15 other named family or household members or a conservator, if
16 any, of the petitioner. *On a showing of good cause, in an order*
17 *issued pursuant to this subparagraph in connection with an animal*
18 *owned, possessed, leased, kept, or held by the petitioner, or*
19 *residing in the residence or household of the petitioner, the court*
20 *may do either or both of the following:*

21 (i) *Grant the petitioner exclusive care, possession, or control*
22 *of the animal.*

23 (ii) *Order the respondent to stay away from the animal and*
24 *refrain from taking, transferring, encumbering, concealing,*
25 *molesting, attacking, striking, threatening, harming, or otherwise*
26 *disposing of the animal.*

27 (B) An order excluding a party from the petitioner’s residence
28 or dwelling, except that this order shall not be issued if legal or
29 equitable title to, or lease of, the residence or dwelling is in the
30 sole name of the party to be excluded, or is in the name of the party
31 to be excluded and any other party besides the petitioner.

32 (C) An order enjoining a party from specified behavior that the
33 court determines is necessary to effectuate orders described in
34 subparagraph (A) or (B).

35 (4) “Respondent” means the person against whom the protective
36 orders are sought and, if the petition is granted, the restrained
37 person.

38 (c) An order may be issued under this section, with or without
39 notice, to restrain any person for the purpose of preventing a
40 recurrence of abuse, if a declaration shows, to the satisfaction of

1 the court, reasonable proof of a past act or acts of abuse of the
2 petitioning elder or dependent adult.

3 (d) Upon filing a petition for protective orders under this section,
4 the petitioner may obtain a temporary restraining order in
5 accordance with Section 527 of the Code of Civil Procedure, except
6 to the extent this section provides a rule that is inconsistent. The
7 temporary restraining order may include any of the protective
8 orders described in paragraph (3) of subdivision (b). However, the
9 court may issue an ex parte order excluding a party from the
10 petitioner's residence or dwelling only on a showing of all of the
11 following:

12 (1) Facts sufficient for the court to ascertain that the party who
13 will stay in the dwelling has a right under color of law to possession
14 of the premises.

15 (2) That the party to be excluded has assaulted or threatens to
16 assault the petitioner, other named family or household member
17 of the petitioner, or a conservator of the petitioner.

18 (3) That physical or emotional harm would otherwise result to
19 the petitioner, other named family or household member of the
20 petitioner, or a conservator of the petitioner.

21 (e) A request for the issuance of a temporary restraining order
22 without notice under this section shall be granted or denied on the
23 same day that the petition is submitted to the court, unless the
24 petition is filed too late in the day to permit effective review, in
25 which case the order shall be granted or denied on the next day of
26 judicial business in sufficient time for the order to be filed that day
27 with the clerk of the court.

28 (f) Within 21 days, or, if good cause appears to the court, 25
29 days, from the date that a request for a temporary restraining order
30 is granted or denied, a hearing shall be held on the petition. If no
31 request for temporary orders is made, the hearing shall be held
32 within 21 days, or, if good cause appears to the court, 25 days,
33 from the date that the petition is filed.

34 (g) The respondent may file a response that explains or denies
35 the alleged abuse.

36 (h) The court may issue, upon notice and a hearing, any of the
37 orders set forth in paragraph (3) of subdivision (b). The court may
38 issue, after notice and hearing, an order excluding a person from
39 a residence or dwelling if the court finds that physical or emotional
40 harm would otherwise result to the petitioner, other named family

1 or household member of the petitioner, or conservator of the
2 petitioner.

3 (i) (1) In the discretion of the court, an order issued after notice
4 and a hearing under this section may have a duration of not more
5 than five years, subject to termination or modification by further
6 order of the court either on written stipulation filed with the court
7 or on the motion of a party. These orders may be renewed upon
8 the request of a party, either for five years or permanently, without
9 a showing of any further abuse since the issuance of the original
10 order, subject to termination or modification by further order of
11 the court either on written stipulation filed with the court or on the
12 motion of a party. The request for renewal may be brought at any
13 time within the three months before the expiration of the order.

14 (2) The failure to state the expiration date on the face of the
15 form creates an order with a duration of three years from the date
16 of issuance.

17 (3) If an action is filed for the purpose of terminating or
18 modifying a protective order prior to the expiration date specified
19 in the order by a party other than the protected party, the party
20 who is protected by the order shall be given notice, pursuant to
21 subdivision (b) of Section 1005 of the Code of Civil Procedure,
22 of the proceeding by personal service or, if the protected party has
23 satisfied the requirements of Chapter 3.1 (commencing with
24 Section 6205) of Division 7 of Title 1 of the Government Code,
25 by service on the Secretary of State. If the party who is protected
26 by the order cannot be notified prior to the hearing for modification
27 or termination of the protective order, the court shall deny the
28 motion to modify or terminate the order without prejudice or
29 continue the hearing until the party who is protected can be
30 properly noticed and may, upon a showing of good cause, specify
31 another method for service of process that is reasonably designed
32 to afford actual notice to the protected party. The protected party
33 may waive his or her right to notice if he or she is physically
34 present in court and does not challenge the sufficiency of the notice.

35 (j) In a proceeding under this section, a support person may
36 accompany a party in court and, if the party is not represented by
37 an attorney, may sit with the party at the table that is generally
38 reserved for the party and the party's attorney. The support person
39 is present to provide moral and emotional support for a person
40 who alleges he or she is a victim of abuse. The support person is

1 not present as a legal adviser and may not provide legal advice.
2 The support person may assist the person who alleges he or she is
3 a victim of abuse in feeling more confident that he or she will not
4 be injured or threatened by the other party during the proceedings
5 if the person who alleges he or she is a victim of abuse and the
6 other party are required to be present in close proximity. This
7 subdivision does not preclude the court from exercising its
8 discretion to remove the support person from the courtroom if the
9 court believes the support person is prompting, swaying, or
10 influencing the party assisted by the support person.

11 (k) Upon the filing of a petition for protective orders under this
12 section, the respondent shall be personally served with a copy of
13 the petition, notice of the hearing or order to show cause, temporary
14 restraining order, if any, and any declarations in support of the
15 petition. Service shall be made at least five days before the hearing.
16 The court may, on motion of the petitioner or on its own motion,
17 shorten the time for service on the respondent.

18 (l) A notice of hearing under this section shall notify the
19 respondent that if he or she does not attend the hearing, the court
20 may make orders against him or her that could last up to five years.

21 ~~(m) (1) The court may, upon the filing of a declaration by the~~
22 ~~petitioner that the respondent could not be served within the time~~
23 ~~required by statute, reissue an order previously issued and dissolved~~
24 ~~by the court for failure to serve the respondent. The reissued order~~
25 ~~shall remain in effect until the date set for the hearing.~~

26 (m) *The respondent shall be entitled, as a matter of course, to*
27 *one continuance, for a reasonable period, to respond to the*
28 *petition.*

29 (n) (1) *Either party may request a continuance of the hearing,*
30 *which the court shall grant on a showing of good cause. The*
31 *request may be made in writing before or at the hearing or orally*
32 *at the hearing. The court may also grant a continuance on its own*
33 *motion.*

34 (2) *If the court grants a continuance, any temporary restraining*
35 *order that has been granted shall remain in effect until the end of*
36 *the continued hearing, unless otherwise ordered by the court. In*
37 *granting a continuance, the court may modify or terminate a*
38 *temporary restraining order.*

39 ~~(2) The reissued order shall state on its face the date of~~
40 ~~expiration of the order.~~

1 ~~(n)~~

2 ~~(o)~~ (1) If a respondent, named in an order issued under this
3 section after a hearing, has not been served personally with the
4 order but has received actual notice of the existence and substance
5 of the order through personal appearance in court to hear the terms
6 of the order from the court, no additional proof of service is
7 required for enforcement of the order.

8 (2) If the respondent named in a temporary restraining order is
9 personally served with the order and notice of hearing with respect
10 to a restraining order or protective order based on the temporary
11 restraining order, but the respondent does not appear at the hearing,
12 either personally or by an attorney, and the terms and conditions
13 of the restraining order or protective order issued at the hearing
14 are identical to the temporary restraining order, except for the
15 duration of the order, then the restraining order or protective order
16 issued at the hearing may be served on the respondent by first-class
17 mail sent to the respondent at the most current address for the
18 respondent that is available to the court.

19 (3) The Judicial Council form for temporary orders issued
20 pursuant to this subdivision shall contain a statement in
21 substantially the following form:

22
23 “If you have been personally served with a temporary restraining
24 order and notice of hearing, but you do not appear at the hearing
25 either in person or by a lawyer, and a restraining order that is the
26 same as this temporary restraining order except for the expiration
27 date is issued at the hearing, a copy of the order will be served on
28 you by mail at the following address: ____.

29 If that address is not correct or you wish to verify that the
30 temporary restraining order was converted to a restraining order
31 at the hearing without substantive change and to find out the
32 duration of that order, contact the clerk of the court.”

33
34 ~~(o)~~

35 ~~(p)~~ (1) Information on ~~any~~ a protective order relating to elder
36 or dependent adult abuse issued by a court pursuant to this section
37 shall be transmitted to the Department of Justice in accordance
38 with either paragraph (2) or (3).

39 (2) The court shall order the petitioner or the attorney for the
40 petitioner to deliver a copy of an order issued under this section,

1 or a reissuance, extension, modification, or termination of the
2 order, and any subsequent proof of service, by the close of the
3 business day on which the order, reissuance, extension,
4 modification, or termination was made, to each law enforcement
5 agency having jurisdiction over the residence of the petitioner, and
6 to any additional law enforcement agencies within the court's
7 discretion as are requested by the petitioner.

8 (3) Alternatively, the court or its designee shall transmit, within
9 one business day, to law enforcement personnel all information
10 required under subdivision (b) of Section 6380 of the Family Code
11 regarding any order issued under this section, or a reissuance,
12 extension, modification, or termination of the order, and any
13 subsequent proof of service, by either one of the following
14 methods:

15 (A) Transmitting a physical copy of the order or proof of service
16 to a local law enforcement agency authorized by the Department
17 of Justice to enter orders into the California Law Enforcement
18 Telecommunications System (CLETS).

19 (B) With the approval of the Department of Justice, entering
20 the order or proof of service into CLETS directly.

21 (4) Each appropriate law enforcement agency shall make
22 available information as to the existence and current status of these
23 orders to law enforcement officers responding to the scene of
24 reported abuse.

25 (5) An order issued under this section shall, on request of the
26 petitioner, be served on the respondent, whether or not the
27 respondent has been taken into custody, by any law enforcement
28 officer who is present at the scene of reported abuse involving the
29 parties to the proceeding. The petitioner shall provide the officer
30 with an endorsed copy of the order and a proof of service, which
31 the officer shall complete and send to the issuing court.

32 (6) Upon receiving information at the scene of an incident of
33 abuse that a protective order has been issued under this section,
34 or that a person who has been taken into custody is the respondent
35 to that order, if the protected person cannot produce an endorsed
36 copy of the order, a law enforcement officer shall immediately
37 attempt to verify the existence of the order.

38 (7) If the law enforcement officer determines that a protective
39 order has been ~~issued~~, *issued* but not served, the officer shall
40 immediately notify the respondent of the terms of the order and

1 where a written copy of the order can be obtained, and the officer
2 shall at that time also enforce the order. The law enforcement
3 officer's verbal notice of the terms of the order shall constitute
4 service of the order and is sufficient notice for the purposes of this
5 section and for the purposes of Section 273.6 of the Penal Code.

6 ~~(p)~~

7 (q) Nothing in this section shall preclude either party from
8 representation by private counsel or from appearing on the party's
9 own behalf.

10 ~~(q)~~

11 (r) There is no filing fee for a petition, response, or paper
12 seeking the reissuance, modification, or enforcement of a protective
13 order filed in a proceeding brought pursuant to this section.

14 ~~(r)~~

15 (s) Pursuant to paragraph (4) of subdivision (b) of Section
16 6103.2 of the Government Code, a petitioner shall not be required
17 to pay a fee for law enforcement to serve an order issued under
18 this section.

19 ~~(s)~~

20 (t) The prevailing party in ~~any~~ *an* action brought under this
21 section may be awarded court costs and attorney's fees, if any.

22 ~~(t)~~

23 (u) (1) A person subject to a protective order under this section
24 shall not own, possess, purchase, receive, or attempt to receive a
25 firearm or ammunition while the protective order is in effect.

26 (2) The court shall order a person subject to a protective order
27 issued under this section to relinquish any firearms he or she owns
28 or possesses pursuant to Section 527.9 of the Code of Civil
29 Procedure.

30 (3) Every person who owns, possesses, purchases, or receives,
31 or attempts to purchase or receive a firearm or ammunition while
32 subject to a protective order issued under this section is punishable
33 pursuant to Section 29825 of the Penal Code.

34 (4) This subdivision ~~shall~~ *does* not apply in a case in which ~~the~~
35 *a* protective order issued under this section was made solely on
36 the basis of financial abuse unaccompanied by force, threat,
37 harassment, intimidation, or any other form of abuse.

38 ~~(u)~~

1 (v) Any willful disobedience of any temporary restraining order
2 or restraining order after hearing granted under this section is
3 punishable pursuant to Section 273.6 of the Penal Code.

4 ~~(v)~~

5 (w) This section does not apply to any action or proceeding
6 governed by Title 1.6C (commencing with Section 1788) of Part
7 4 of Division 3 of the Civil Code, ~~by~~ Chapter 3 (commencing with
8 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
9 or ~~by~~ Division 10 (commencing with Section 6200) of the Family
10 Code. Nothing in this section shall preclude a petitioner's right to
11 use other existing civil remedies.

12 ~~(w)~~

13 (x) The Judicial Council shall develop forms, instructions, and
14 rules relating to matters governed by this section. The petition and
15 response forms shall be simple and concise, and their use by parties
16 in actions brought pursuant to this section shall be mandatory.

17 (y) *This section shall become inoperative on July 1, 2016, and,*
18 *as of January 1, 2017, is repealed, unless a later enacted statute,*
19 *that becomes operative on or before January 1, 2017, deletes or*
20 *extends the dates on which it becomes inoperative and is repealed.*

21 *SEC. 3.5. Section 15657.03 is added to the Welfare and*
22 *Institutions Code, to read:*

23 *15657.03. (a) (1) An elder or dependent adult who has suffered*
24 *abuse, as defined in Section 15610.07, may seek protective orders*
25 *as provided in this section.*

26 *(2) A petition may be brought on behalf of an abused elder or*
27 *dependent adult by a conservator or a trustee of the elder or*
28 *dependent adult, an attorney-in-fact of an elder or dependent adult*
29 *who acts within the authority of a power of attorney, a person*
30 *appointed as a guardian ad litem for the elder or dependent adult,*
31 *or other person legally authorized to seek the relief.*

32 *(3) (A) A petition under this section may be brought on behalf*
33 *of an elder or dependent adult by a county adult protective services*
34 *agency in either of the following circumstances:*

35 *(i) If the elder or dependent adult has suffered abuse as defined*
36 *in subdivision (b) and has an impaired ability to appreciate and*
37 *understand the circumstances that place him or her at risk of harm.*

38 *(ii) If the elder or dependent adult has provided written*
39 *authorization to a county adult protective services agency to act*
40 *on his or her behalf.*

1 (B) In the case of a petition filed pursuant to clause (i) of
2 subparagraph (A) by a county adult protective services agency, a
3 referral shall be made to the public guardian consistent with
4 Section 2920 of the Probate Code prior to or concurrent with the
5 filing of the petition, unless a petition for appointment of a
6 conservator has already been filed with the probate court by the
7 public guardian or another party.

8 (C) A county adult protective services agency shall be subject
9 to any confidentiality restrictions that otherwise apply to its
10 activities under law and shall disclose only those facts as necessary
11 to establish reasonable cause for the filing of the petition,
12 including, in the case of a petition filed pursuant to clause (i) of
13 subparagraph (A), to establish the agency's belief that the elder
14 or dependent adult has suffered abuse and has an impaired ability
15 to appreciate and understand the circumstances that place him or
16 her at risk, and as may be requested by the court in determining
17 whether to issue an order under this section.

18 (b) For purposes of this section:

19 (1) "Abuse" has the meaning set forth in Section 15610.07.

20 (2) "Conservator" means the legally appointed conservator of
21 the person or estate of the petitioner, or both.

22 (3) "Petitioner" means the elder or dependent adult to be
23 protected by the protective orders and, if the court grants the
24 petition, the protected person.

25 (4) "Protective order" means an order that includes any of the
26 following restraining orders, whether issued *ex parte*, after notice
27 and hearing, or in a judgment:

28 (A) An order enjoining a party from abusing, intimidating,
29 molesting, attacking, striking, stalking, threatening, sexually
30 assaulting, battering, harassing, telephoning, including, but not
31 limited to, making annoying telephone calls as described in Section
32 653m of the Penal Code, destroying personal property, contacting,
33 either directly or indirectly, by mail or otherwise, or coming within
34 a specified distance of, or disturbing the peace of, the petitioner,
35 and, in the discretion of the court, on a showing of good cause, of
36 other named family or household members or a conservator, if
37 any, of the petitioner. On a showing of good cause, in an order
38 issued pursuant to this subparagraph in connection with an animal
39 owned, possessed, leased, kept, or held by the petitioner, or

1 *residing in the residence or household of the petitioner, the court*
2 *may do either or both of the following:*

3 *(i) Grant the petitioner exclusive care, possession, or control*
4 *of the animal.*

5 *(ii) Order the respondent to stay away from the animal and*
6 *refrain from taking, transferring, encumbering, concealing,*
7 *molesting, attacking, striking, threatening, harming, or otherwise*
8 *disposing of the animal.*

9 *(B) An order excluding a party from the petitioner's residence*
10 *or dwelling, except that this order shall not be issued if legal or*
11 *equitable title to, or lease of, the residence or dwelling is in the*
12 *sole name of the party to be excluded, or is in the name of the party*
13 *to be excluded and any other party besides the petitioner.*

14 *(C) An order enjoining a party from specified behavior that the*
15 *court determines is necessary to effectuate orders described in*
16 *subparagraph (A) or (B).*

17 *(5) "Respondent" means the person against whom the protective*
18 *orders are sought and, if the petition is granted, the restrained*
19 *person.*

20 *(c) An order may be issued under this section, with or without*
21 *notice, to restrain any person for the purpose of preventing a*
22 *recurrence of abuse, if a declaration shows, to the satisfaction of*
23 *the court, reasonable proof of a past act or acts of abuse of the*
24 *petitioning elder or dependent adult.*

25 *(d) Upon filing a petition for protective orders under this*
26 *section, the petitioner may obtain a temporary restraining order*
27 *in accordance with Section 527 of the Code of Civil Procedure,*
28 *except to the extent this section provides a rule that is inconsistent.*
29 *The temporary restraining order may include any of the protective*
30 *orders described in paragraph (4) of subdivision (b). However,*
31 *the court may issue an ex parte order excluding a party from the*
32 *petitioner's residence or dwelling only on a showing of all of the*
33 *following:*

34 *(1) Facts sufficient for the court to ascertain that the party who*
35 *will stay in the dwelling has a right under color of law to*
36 *possession of the premises.*

37 *(2) That the party to be excluded has assaulted or threatens to*
38 *assault the petitioner, other named family or household member*
39 *of the petitioner, or a conservator of the petitioner.*

1 (3) *That physical or emotional harm would otherwise result to*
2 *the petitioner, other named family or household member of the*
3 *petitioner, or a conservator of the petitioner.*

4 (e) *A request for the issuance of a temporary restraining order*
5 *without notice under this section shall be granted or denied on the*
6 *same day that the petition is submitted to the court, unless the*
7 *petition is filed too late in the day to permit effective review, in*
8 *which case the order shall be granted or denied on the next day*
9 *of judicial business in sufficient time for the order to be filed that*
10 *day with the clerk of the court.*

11 (f) *Within 21 days, or, if good cause appears to the court, 25*
12 *days, from the date that a request for a temporary restraining*
13 *order is granted or denied, a hearing shall be held on the petition.*
14 *If no request for temporary orders is made, the hearing shall be*
15 *held within 21 days, or, if good cause appears to the court, 25*
16 *days, from the date that the petition is filed.*

17 (g) *The respondent may file a response that explains or denies*
18 *the alleged abuse.*

19 (h) *The court may issue, upon notice and a hearing, any of the*
20 *orders set forth in paragraph (4) of subdivision (b). The court may*
21 *issue, after notice and hearing, an order excluding a person from*
22 *a residence or dwelling if the court finds that physical or emotional*
23 *harm would otherwise result to the petitioner, other named family*
24 *or household member of the petitioner, or conservator of the*
25 *petitioner.*

26 (i) (1) *In the discretion of the court, an order issued after notice*
27 *and a hearing under this section may have a duration of not more*
28 *than five years, subject to termination or modification by further*
29 *order of the court either on written stipulation filed with the court*
30 *or on the motion of a party. These orders may be renewed upon*
31 *the request of a party, either for five years or permanently, without*
32 *a showing of any further abuse since the issuance of the original*
33 *order, subject to termination or modification by further order of*
34 *the court either on written stipulation filed with the court or on*
35 *the motion of a party. The request for renewal may be brought at*
36 *any time within the three months before the expiration of the order.*

37 (2) *The failure to state the expiration date on the face of the*
38 *form creates an order with a duration of three years from the date*
39 *of issuance.*

1 (3) *If an action is filed for the purpose of terminating or*
2 *modifying a protective order prior to the expiration date specified*
3 *in the order by a party other than the protected party, the party*
4 *who is protected by the order shall be given notice, pursuant to*
5 *subdivision (b) of Section 1005 of the Code of Civil Procedure, of*
6 *the proceeding by personal service or, if the protected party has*
7 *satisfied the requirements of Chapter 3.1 (commencing with Section*
8 *6205) of Division 7 of Title 1 of the Government Code, by service*
9 *on the Secretary of State. If the party who is protected by the order*
10 *cannot be notified prior to the hearing for modification or*
11 *termination of the protective order, the court shall deny the motion*
12 *to modify or terminate the order without prejudice or continue the*
13 *hearing until the party who is protected can be properly noticed*
14 *and may, upon a showing of good cause, specify another method*
15 *for service of process that is reasonably designed to afford actual*
16 *notice to the protected party. The protected party may waive his*
17 *or her right to notice if he or she is physically present in court and*
18 *does not challenge the sufficiency of the notice.*

19 (j) *In a proceeding under this section, a support person may*
20 *accompany a party in court and, if the party is not represented by*
21 *an attorney, may sit with the party at the table that is generally*
22 *reserved for the party and the party's attorney. The support person*
23 *is present to provide moral and emotional support for a person*
24 *who alleges he or she is a victim of abuse. The support person is*
25 *not present as a legal adviser and may not provide legal advice.*
26 *The support person may assist the person who alleges he or she*
27 *is a victim of abuse in feeling more confident that he or she will*
28 *not be injured or threatened by the other party during the*
29 *proceedings if the person who alleges he or she is a victim of abuse*
30 *and the other party are required to be present in close proximity.*
31 *This subdivision does not preclude the court from exercising its*
32 *discretion to remove the support person from the courtroom if the*
33 *court believes the support person is prompting, swaying, or*
34 *influencing the party assisted by the support person.*

35 (k) *Upon the filing of a petition for protective orders under this*
36 *section, the respondent shall be personally served with a copy of*
37 *the petition, notice of the hearing or order to show cause,*
38 *temporary restraining order, if any, and any declarations in*
39 *support of the petition. Service shall be made at least five days*

1 before the hearing. The court may, on motion of the petitioner or
2 on its own motion, shorten the time for service on the respondent.

3 (l) A notice of hearing under this section shall notify the
4 respondent that if he or she does not attend the hearing, the court
5 may make orders against him or her that could last up to five years.

6 (m) The respondent shall be entitled, as a matter of course, to
7 one continuance, for a reasonable period, to respond to the
8 petition.

9 (n) (1) Either party may request a continuance of the hearing,
10 which the court shall grant on a showing of good cause. The
11 request may be made in writing before or at the hearing or orally
12 at the hearing. The court may also grant a continuance on its own
13 motion.

14 (2) If the court grants a continuance, any temporary restraining
15 order that has been granted shall remain in effect until the end of
16 the continued hearing, unless otherwise ordered by the court. In
17 granting a continuance, the court may modify or terminate a
18 temporary restraining order.

19 (o) (1) If a respondent, named in an order issued under this
20 section after a hearing, has not been served personally with the
21 order but has received actual notice of the existence and substance
22 of the order through personal appearance in court to hear the
23 terms of the order from the court, no additional proof of service
24 is required for enforcement of the order.

25 (2) If the respondent named in a temporary restraining order
26 is personally served with the order and notice of hearing with
27 respect to a restraining order or protective order based on the
28 temporary restraining order, but the respondent does not appear
29 at the hearing, either personally or by an attorney, and the terms
30 and conditions of the restraining order or protective order issued
31 at the hearing are identical to the temporary restraining order,
32 except for the duration of the order, then the restraining order or
33 protective order issued at the hearing may be served on the
34 respondent by first-class mail sent to the respondent at the most
35 current address for the respondent that is available to the court.

36 (3) The Judicial Council form for temporary orders issued
37 pursuant to this subdivision shall contain a statement in
38 substantially the following form:

39 "If you have been personally served with a temporary restraining
40 order and notice of hearing, but you do not appear at the hearing

1 *either in person or by a lawyer, and a restraining order that is the*
2 *same as this temporary restraining order except for the expiration*
3 *date is issued at the hearing, a copy of the order will be served on*
4 *you by mail at the following address:*

5 *If that address is not correct or you wish to verify that the*
6 *temporary restraining order was converted to a restraining order*
7 *at the hearing without substantive change and to find out the*
8 *duration of that order, contact the clerk of the court.”*

9 *(p) (1) Information on a protective order relating to elder or*
10 *dependent adult abuse issued by a court pursuant to this section*
11 *shall be transmitted to the Department of Justice in accordance*
12 *with either paragraph (2) or (3).*

13 *(2) The court shall order the petitioner or the attorney for the*
14 *petitioner to deliver a copy of an order issued under this section,*
15 *or a reissuance, extension, modification, or termination of the*
16 *order, and any subsequent proof of service, by the close of the*
17 *business day on which the order, reissuance, extension,*
18 *modification, or termination was made, to each law enforcement*
19 *agency having jurisdiction over the residence of the petitioner,*
20 *and to any additional law enforcement agencies within the court’s*
21 *discretion as are requested by the petitioner.*

22 *(3) Alternatively, the court or its designee shall transmit, within*
23 *one business day, to law enforcement personnel all information*
24 *required under subdivision (b) of Section 6380 of the Family Code*
25 *regarding any order issued under this section, or a reissuance,*
26 *extension, modification, or termination of the order, and any*
27 *subsequent proof of service, by either one of the following methods:*

28 *(A) Transmitting a physical copy of the order or proof of service*
29 *to a local law enforcement agency authorized by the Department*
30 *of Justice to enter orders into the California Law Enforcement*
31 *Telecommunications System (CLETS).*

32 *(B) With the approval of the Department of Justice, entering*
33 *the order or proof of service into CLETS directly.*

34 *(4) Each appropriate law enforcement agency shall make*
35 *available information as to the existence and current status of*
36 *these orders to law enforcement officers responding to the scene*
37 *of reported abuse.*

38 *(5) An order issued under this section shall, on request of the*
39 *petitioner, be served on the respondent, whether or not the*
40 *respondent has been taken into custody, by any law enforcement*

1 officer who is present at the scene of reported abuse involving the
2 parties to the proceeding. The petitioner shall provide the officer
3 with an endorsed copy of the order and a proof of service, which
4 the officer shall complete and send to the issuing court.

5 (6) Upon receiving information at the scene of an incident of
6 abuse that a protective order has been issued under this section,
7 or that a person who has been taken into custody is the respondent
8 to that order, if the protected person cannot produce an endorsed
9 copy of the order, a law enforcement officer shall immediately
10 attempt to verify the existence of the order.

11 (7) If the law enforcement officer determines that a protective
12 order has been issued but not served, the officer shall immediately
13 notify the respondent of the terms of the order and where a written
14 copy of the order can be obtained, and the officer shall at that time
15 also enforce the order. The law enforcement officer's verbal notice
16 of the terms of the order shall constitute service of the order and
17 is sufficient notice for the purposes of this section and for the
18 purposes of Section 273.6 of the Penal Code.

19 (q) Nothing in this section shall preclude either party from
20 representation by private counsel or from appearing on the party's
21 own behalf.

22 (r) There is no filing fee for a petition, response, or paper
23 seeking the reissuance, modification, or enforcement of a protective
24 order filed in a proceeding brought pursuant to this section.

25 (s) Pursuant to paragraph (4) of subdivision (b) of Section
26 6103.2 of the Government Code, a petitioner shall not be required
27 to pay a fee for law enforcement to serve an order issued under
28 this section.

29 (t) The prevailing party in an action brought under this section
30 may be awarded court costs and attorney's fees, if any.

31 (u) (1) A person subject to a protective order under this section
32 shall not own, possess, purchase, receive, or attempt to receive a
33 firearm or ammunition while the protective order is in effect.

34 (2) The court shall order a person subject to a protective order
35 issued under this section to relinquish any firearms he or she owns
36 or possesses pursuant to Section 527.9 of the Code of Civil
37 Procedure.

38 (3) Every person who owns, possesses, purchases, or receives,
39 or attempts to purchase or receive a firearm or ammunition while

1 *subject to a protective order issued under this section is punishable*
2 *pursuant to Section 29825 of the Penal Code.*

3 *(4) This subdivision does not apply in a case in which a*
4 *protective order issued under this section was made solely on the*
5 *basis of financial abuse unaccompanied by force, threat,*
6 *harassment, intimidation, or any other form of abuse.*

7 *(v) In a proceeding brought under paragraph (3) of subdivision*
8 *(a), all of the following apply:*

9 *(1) Upon the filing of a petition for a protective order, the elder*
10 *or dependent adult on whose behalf the petition has been filed*
11 *shall receive a copy of the petition, a notice of the hearing, and*
12 *any declarations submitted in support of the petition. The elder or*
13 *dependent adult shall receive this information at least five days*
14 *before the hearing. The court may, on motion of the petitioner or*
15 *on its own motion, shorten the time for provision of this information*
16 *to the elder or dependent adult.*

17 *(2) The adult protective services agency shall make reasonable*
18 *efforts to assist the elder or dependent adult to attend the hearing*
19 *and provide testimony to the court, if he or she wishes to do so. If*
20 *the elder or dependent adult does not attend the hearing, the*
21 *agency shall provide information to the court at the hearing*
22 *regarding the reasons why the elder or dependent adult is not in*
23 *attendance.*

24 *(3) Upon the filing of a petition for a protective order and upon*
25 *issuance of an order granting the petition, the county adult*
26 *protective services agency shall take all reasonable steps to provide*
27 *for the safety of the elder or dependent adult, pursuant to Chapter*
28 *13 (commencing with Section 15750), which may include, but are*
29 *not limited to, facilitating the location of alternative*
30 *accommodations for the elder or dependent adult, if needed.*

31 *(w) Any willful disobedience of any temporary restraining order*
32 *or restraining order after hearing granted under this section is*
33 *punishable pursuant to Section 273.6 of the Penal Code.*

34 *(x) This section does not apply to any action or proceeding*
35 *governed by Title 1.6C (commencing with Section 1788) of Part*
36 *4 of Division 3 of the Civil Code, Chapter 3 (commencing with*
37 *Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,*
38 *or Division 10 (commencing with Section 6200) of the Family*
39 *Code. Nothing in this section shall preclude a petitioner's right*
40 *to use other existing civil remedies.*

1 (y) *The Judicial Council shall develop forms, instructions, and*
2 *rules relating to matters governed by this section. The petition and*
3 *response forms shall be simple and concise, and shall be used by*
4 *parties in actions brought pursuant to this section.*

5 (z) *This section shall become operative on July 1, 2016.*

6 SEC. 4. (a) *Section 1.5 of this bill incorporates amendments*
7 *to Section 527.6 of the Code of Civil Procedure proposed by both*
8 *this bill and Assembly Bill 1081. It shall only become operative if*
9 *(1) both bills are enacted and become effective on or before*
10 *January 1, 2016, (2) each bill amends Section 527.6 of the Code*
11 *of Civil Procedure, and (3) this bill is enacted after Assembly Bill*
12 *1081, in which case Section 1 of this bill shall not become*
13 *operative.*

14 (b) *Section 2.5 of this bill incorporates amendments to Section*
15 *213.5 of the Welfare and Institutions Code proposed by both this*
16 *bill and Assembly Bill 1081. It shall only become operative if (1)*
17 *both bills are enacted and become effective on or before January*
18 *1, 2016, (2) each bill amends Section 213.5 of the Welfare and*
19 *Institutions Code, and (3) this bill is enacted after Assembly Bill*
20 *1081, in which case Section 2 of this bill shall not become*
21 *operative.*

22 (c) *Section 3.1 of this bill incorporates amendments to Section*
23 *15657.03 of the Welfare and Institutions Code proposed by both*
24 *this bill and Assembly Bill 1081. It shall only become operative if*
25 *(1) both bills are enacted and become effective on or before*
26 *January 1, 2016, (2) each bill amends Section 15657.03 of the*
27 *Welfare and Institutions Code, and (3) Senate Bill 196 is not*
28 *enacted or as enacted does not amend that section, and (4) this*
29 *bill is enacted after Assembly Bill 1081, in which case Sections 3,*
30 *3.2, 3.3, 3.4, and 3.5 of this bill shall not become operative.*

31 (d) *Sections 3.2 and 3.3 of this bill incorporate amendments to*
32 *Section 15657.03 of the Welfare and Institutions Code proposed*
33 *by both this bill and Senate Bill 196. They shall only become*
34 *operative if (1) both bills are enacted and become effective on or*
35 *before January 1, 2016, (2) each bill amends Section 15657.03 of*
36 *the Welfare and Institutions Code, and (3) Assembly Bill 1081 is*
37 *not enacted or as enacted does not amend that section, and (4)*
38 *this bill is enacted after Senate Bill 196, in which case Sections 3,*
39 *3.1, 3.4, and 3.5 of this bill shall not become operative.*

1 (e) Sections 3.4 and 3.5 of this bill incorporate amendments to
2 Section 15657.03 of the Welfare and Institutions Code proposed
3 by this bill, Assembly Bill 1081, and Senate Bill 196. They shall
4 only become operative if (1) all three bills are enacted and become
5 effective on or before January 1, 2016, (2) all three bills amend
6 Section 15657.03 of the Welfare and Institutions Code, and (3)
7 this bill is enacted after Assembly Bill 1081 and Senate Bill 196,
8 in which case Sections 3, 3.1, 3.2, and 3.3 of this bill shall not
9 become operative.

O